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Preface and acknowledgements

Any student of Indian sociology would be interested to know how caste is faring in contemporary India. The fact that India is undergoing rapid changes, both economically and politically, contributes to the urgency with which an update on caste becomes necessary. Though there have been several works that have discussed the impact of caste on democratic politics and how different castes have reacted to growing urbanisation and the Green Revolution, there was still a gap that had to be filled. What needed to be done was to analyse these changes within a conceptual framework that would allow for an alternative perspective on the caste order.

It is often said that caste is changing, but what is not clear is whether this entails the need for a new term altogether, or whether this form of social stratification can now be merged with another rubric, such as class, that is tried, tested and much universalised. Steering clear of these temptations, the articles in this volume provide us with an alternative perspective on caste as a whole, using contemporary experiences to reflect upon the received theories of caste. For any such undertaking it is impossible to ignore Louis Dumont's *Homo Hierarchicus*, even if one has serious disagreements with it.

Through a number of field-based studies the articles in this volume argue for a different conceptualisation of caste—one that would take into account the need for caste assertion and dignity as well as notions of hierarchy. Taken together, these contributions contend that pride in one's caste identity is a very important characteristic of the caste order and that this is not incompatible with contesting notions of hierarchy. To be able to carry this point across theoretically it is imperative that we abandon the view that a single all-encompassing hierarchy is the most enduring diacritic of caste. Instead we must now ask if caste can be seen first in terms of discrete identities, and then see its implications in terms of the articulation of multiple and contesting hierarchies.

Once this point is made, a new vision on caste becomes possible. We can now integrate caste mobility in history with the caste politics of today, taking care to finesse our discussions by keeping in mind the specifics of

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contemporary India. But the economic and political pressures that were mounted on India from the mid-19th century onwards should not compel us to concede conceptual territory by accepting either that caste is class, or that caste is essentially about a single hierarchy such that those low in the order willingly acquiesce in their own degradation.

I am very grateful to Patricia Uberoi for her encouragement and help in bringing out this volume. She is a true friend and a wonderful colleague. The hardest part of the work was when she helped me bring out the special number of *Contributions to Indian sociology* on Caste (vol. 38, nos 1&2), where the articles in this volume originally appeared. She also went through my revised introduction for this publication, and laboured over many of the details that invariably go with the publication of a volume.

Dipankar Gupta
New Delhi, July 2004

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Introduction: The certitudes of caste: When identity trumps hierarchy

Dipankar Gupta

From the time *Village India* was published, if not earlier, it has been widely recognised that castes are not locked in local confines, but act and interact in a nexus beyond the village (Marriott 1955). McKim Marriott expressed this conceptually in terms of 'little' and 'great' traditions, arguing all along that this is exactly how cultural changes take place in all major civilisations (ibid.). Keeping in step with this, M.N. Srinivas pointed out the vitality with which some castes were moving out of their traditional areas of expertise and entering into the competitive domain of democratic politics (Srinivas 1972). Concurrently, Srinivas also brought to our notice how the hierarchy of purity is subverted on the ground by the presence of the 'dominant caste' (Srinivas 1987). André Béteille reconfigured these arguments and posited that castes were moving from a system of cumulative to dispersed inequalities (Béteille 2002). In recent articles he has gone further to argue that even those who fight politically in the name of caste never invoke the *Dharmasastra* in their defence (Béteille 2000: 229–30). To look at castes, therefore, in terms of their attributes drawn from the notion of a pure ritual hierarchy would certainly not resonate with facts on the ground.

The articles in this volume begin with the assumption that ritual dominance in no way determines the nature of caste interactions in contemporary India. From politics to gender to economic interaction, the pure hierarchy is not just being questioned; more often than not, it is left unattended on the wayside. Castes that were considered to be 'shudra-like' in status have taken the fight to the more established castes and claimed, on occasions, statuses superior to Brahmans or to traditional Kshatriya jatis, including the Rajputs. Agrarian castes such as Jats, Ahirs, Gujars, Thevars and Kurmis are out there leading politics from the front and taking their identities

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outside the village. We also know now from the works of those like Fox (1969), Shah and Shroff (1975) and Babb (1998) that the merchant Baniya communities do not necessarily see themselves as inferior to the traditional Brahman and Kshatriya varnas. In addition, untouchable castes that were once considered supine and docile are now militant, aggressive and fully conscious of their power and rights in a democratic polity. No matter which way one looks at caste, the system, such as it was supposed to have been, has clearly collapsed. Where there was once a seeming tranquility of caste relations ordered by a status hierarchy (howsoever localised in character), we now have a plethora of assertive caste identities, each privileging an angular hierarchy of its own.

To argue against this background that castes obey the hierarchy of purity, or that lower castes willingly acquiesce in their own degradation (Moffatt 1979), seems quite archaic and besides the point. The pure hierarchy that Louis Dumont wrote so compellingly about a few decades ago (Dumont 1988) now stands bereft of empirical support from practically every quarter of Hindu India. As assertive caste identities articulate alternative hierarchies, there is hardly any unanimity on ranking between jatis. In the past, when the village was characterised by the regime of a closed economy, the hierarchy that was expressed was the one that had economic and political power behind it at the local level. Today, with the pressure of village overlords more or less taken off, and with the introduction of democratic mobilisation and urbanisation, castes can freely express their identities and their attendant hierarchies, even if they cannot always be manifested on the ground. They are now ideals that energise political activisms quite at variance from those of the once dominant local castes. This leads to a spiral of caste antagonisms symbolised by contradictory hierarchical formulations in the political marketplace. In a sense, rarely is a hierarchy expressed in practice today without it being challenged by the very people who were earlier supposed to be quiescent. Politics and economics no longer make their presence felt 'surreptitiously' and in the 'interstitial levels', as Dumont had once argued (ibid.), but up front and with the full complement of bells, whistles and other noisy instruments.

Though Louis Dumont was wrong on a number of issues, he was stylishly in error. The manner in which he put forward the traditional Brahmanical viewpoint on the pure hierarchy has not, and perhaps cannot, be bettered. He gave hierarchy a technical meaning, and drove the term methodologically and consistently throughout his work. Where he erred was in his insistence that other castes lined up neatly behind the Brahman in complete ideological concordance. He failed to see that each caste

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valued itself very highly and had deep pockets of ideological inheritance from which it could draw continuous symbolic energy for both political activism and economic competition.

It is often argued that one is being unfair to Dumont by insisting that for him only the true hierarchy mattered, for did he not also acknowledge that under modern pressures structure can yield to substance and castes begin to act as ethnic groups (Dumont 1988: 227)? Aware of the frequent dust-ups that castes entered into in contemporary times, Dumont conceded that the pure hierarchy may become disaggregated into competing blocs. This feature was seen as something that was brand new, never witnessed in the past. But what made Dumont's admission less appealing is that he provided no analytical reason as to why and how a pure hierarchy could become parcellised into competing substantialised units. In that case are we to assume that the ideology of the pure hierarchy is dead? In which case, what has taken its place? Are we now in the realm of competing equalities? All these questions require analytical answers but they are not to be found in Dumont, nor in the works of those who adhere closely to his formulations. In fact, Dumont undermined the need to search for such answers by arguing that such changes were peripheral and did not really disturb the hierarchical essence of the caste system. According to him: 'Everything happens as if the system tolerated changes only within one of its secondary spheres' (ibid.: 228).

Johannes Fabian argues in *Time and the other* (1993) that anthropologists have a peculiar resistance to granting their respondents a status coeval with themselves. This is most evident when anthropologists conceptualise the 'other'. No matter how often they might record the many significant transformations in the societies that they study, when it comes to conceptualising, anthropologists tend to box their respondents into a timeless, unchanging analytical frame. Studies on caste are similar in character. While there is no dearth of empirical evidence regarding the many instances when castes compete against each other, and on the number of times they have reneged on textual orthodoxy, yet when conceptualising, Dumont's pure hierarchy is revived with undiminished vigour.

It does not help very much either to argue that caste is a colonial creation, and hence all that we see around us is really a motley crowd of hastily cobbled identities of very recent vintage (for example, Bayly 1999: 188–202, and *passim*). While it is true that identities, including caste identities, change over time, it would be incorrect to go to the extreme of asserting that caste itself is a colonial creation. Such a point of

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view not only makes the Hindus appear bigoted, which they are, but also stupid, which may not always be the case. It is as if the inhabitants of India had no identity worth the name prior to colonialism, and were one large, undifferentiated mass. The British changed all this, or so the story goes, and Hindus were calmly driven into all kinds of caste, religious and sectarian corals at the behest of colonial prodding.

Yet, in a significant way, colonialism *did* make a difference. The way British officials understood caste obviously also affected the way caste was practised, and this led to some quite innovative relations between different jatis all over India (Dirks 2001: 10). From the earliest moves of the Asiatic society to the legal codification achieved by Henry Maine, the Brahmanical view was privileged as the correct interpretation of Hindu culture and custom. This is what gave Brahmans a larger than legitimate role in the conception of Indian society—a feature that is only recently being challenged from a variety of quarters. In this connection the works of Dirks (1987), Quigley (1993) and Raheja (1988) are welcome corrections, provided we remember that it would be methodologically incorrect to replace the Brahman with the Kshatriya as they tend to do. As we pointed out earlier, there are overvaluations of the Baniya that are extant and vibrant even today and, as articles in this volume bring out, the Scheduled Castes have valorised conceptions of themselves as well (see Narayan and Jodhka in this volume, and Khare 1992).

The articles in this volume begin with the assumption of assertive caste identities that are in no way embarrassed by Brahmanical renditions. In fact, none of the contributions in this selection could have been imagined if the Brahman notion of hierarchy were really as definitive as scholars and members of the literati often tend to assume. The fact that Brahmadeya lands were given out by rich patrons has persuaded some to believe that the priestly caste had an unusual hold over the minds of Hindus in practically every aspect of social life. What is overlooked is how the church aggrandised itself in medieval Europe. Priests convinced those on their deathbeds to will their property to God and to the true holy family. The vast wealth of the church cannot be accounted for without taking into account donations of this kind which were made with the hope of winning favour in the afterlife:

> Today [12th century-D.G.] when a man falls ill and lies down to die, he does not think of his sons or his nephews or cousins; he summons the Black Monks of St. Benedict, and gives them all his lands, his

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revenues, his oven, and his mills. The men of this age are impoverished and the clerks are daily becoming richer (Goody 1983: 105).

To reiterate, castes are proud of their identity, regardless of where textual traditions place them on the 'purity-pollution' hierarchy. It should be remembered in this connection that it is not as if this is a recent attribute of castes. E.A.H. Blunt (1960) had observed this decades ago, but little attention was paid to it as scholars were so keen on an objectivated hierarchy. Assertions of caste identity not only make us put phrases like 'upper caste' and 'lower caste' in inverted commas, but also lead us to question whether the many instances of 'caste patriotism' today are actually all that novel. Ahirs, Gujars, Jats, Patidars, Ad-Dharmis and so on have a strong sense of pride in their caste identity. To call them 'low caste' or 'middle caste' can be very misleading and takes our attention away from the fact that they do not see themselves as inferior in any essential sense. Perhaps they are poorer, they may be less powerful, less literate, but not essentially made of substances that are inferior, let alone polluting. Further, as castes always value themselves highly, they must, as a consequence, hierarchise others, howsoever idiosyncratic such formulations may appear to be. Also, while some ex-untouchable castes may not accept their lowly status, they might, however, continue to believe that there are other castes out there that are indeed polluting (see Desai 1976). This is the true phenomenology of caste. Fortunately, history and anthropology have provided us with so many interesting variations of fact that it is possible now to construct an analytical perspective on caste which is faithful to its multiple vocalities.

To do this with a modicum of success we have to suspend our earlier attitude that 'lower castes' accepted their degradation willingly, or participated in their own subjugation (as in Moffatt 1979). We must also accept that caste and politics were always a part of history, though that history may have moved at an excruciatingly slow pace compared to contemporary times. Marathas, Jats and Rajputs all wade through slaughter to a throne (see Chattopadhyaya 1976). That these instances of politically motivated success stories happened centuries ago should not take away from the fact that castes have throughout history gone up and down depending upon the exigencies of power and wealth.

Today caste and politics are linked differently because of adult franchise, and more so on account of the fact that the village is no longer the viable social space it used to be. Poor villagers are constantly on the lookout for jobs outside agriculture, as much as better-off farmers are hoping

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to augment their income from non-farm sources. Even the dynamism inserted by the Green Revolution has sputtered to a near standstill. Given the fact that the old patrons cannot act patron-like, either positively or negatively, either to coerce or to gratify, different communities and castes in the villages have begun to lead lives separated from one another. Thus, 'lower caste' activism, which was once typically associated with education and non-agricultural employment (such as among the Mahars and Ezhavas), has now found other avenues of expression. Castes that were once considered to be subaltern in character are breaking free of rural protocol to politically express their ambitions in supra-local formats.

It is true that the back of old-fashioned Brahman-Kshatriya dominance was broken most effectively across India by those peasant castes that were till not long ago considered 'shudras'. It is the activism of these agrarian castes that laid the foundations of a sustainable anti-establishmentarianism among dalit communities in India. However, to call these peasant castes 'dominant' (in the way Srinivas conceptualised the term) may not be accurate. These castes may be numerically significant at the village level but, except for the Marathas, they are nowhere over 30 per cent in any parliamentary constituency. This is what makes the village too small an arena for realising caste interactions in contemporary politics. Once the zone is enlarged, as it must be, dominance is no longer simply in terms of numbers, or control over land, at the village level. Supra-local aggregates play back into village politics, and not the other way around (see also Béteille 1992: 86). Given the fact that labouring on land is hardly a viable economic option for a majority of villagers, dominance is highly fractured and cannot rest with any one caste for long periods of time. Dominance is constantly being negotiated between caste leaders, political parties and ordinary voters who, incidentally, do not always vote along caste lines (see Michelutti in this volume). In other words, dominance is disaggregated and highly time-bound, for caste alliances are fluid and are constantly being reconfigured. In terms of caste arithmetic, no one caste can go the distance on its own. This is why identity matters more than system when castes are invoked at the collective level: all else is labile and transitory.

The articles in this volume allow the clamour of other caste voices to speak their mind without censoring them. Instead of seeing these other expressions as exceptions and anomalies, they are treated as articulations of an analytical core where discrete identities constitute first-order realities. It is, therefore, quite logical that there should be multiple and idiosyncratic hierarchies. As caste identities are *discrete* and analytically

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'non-encompassing', the hierarchies they espouse should also be non-commensurable, which in fact they are. As Lucia Michelutti's article illustrates, the Yadavas of Uttar Pradesh claim to be better than all other castes, not simply because they are descendants of Lord Krishna, but also because they are natural republicans. As they were traditionally cow herders, it is in their blood, they argue, to lead people as well in a democratic polity. Though the Yadavas claim Kshatriya status, they also advocate a non-rajasik lifestyle that disavows the consumption of liquor or meat. From 1924 onwards, the Yadava assertion of their caste superiority was championed by the All India Yadava Mahasabha through publications, lectures, representations, and so forth. In this matter the Yadavas are not alone. Caste associations have proliferated all over the country, regardless of whether they were once considered high or low (see also Badri Narayan's article in this volume).

John Cort's contribution in this volume gives us an ingress into how merchants valorise their lifestyles and distance themselves from Kshatriya virtues. Among these castes, it is not notions of purity that mark out hierarchical positions (howsoever contentiously), but pure and simple wealth. The Oswals place themselves above the Shrimalis and the Porvals because they are easily the most affluent among the Baniya castes. This hierarchy of wealth is further consolidated in terms of residence and occupation, but nowhere in these rankings do we find any considerations of purity or of asceticism. Indeed this refrain is quite general, and many of the articles in this volume provide detailed instances of this phenomenon. Whether it be the Jats (see Chowdhry), or the Yadavas (see Michelutti), or the dalits (see Badri Narayan), or the Sikhs (see Jodhka), Brahmanical notions of purity and pollution play at best a very insignificant role among them. In this sense, this collection gives us a comprehensive picture of how castes are valued phenomenologically from diverse standpoints and provenances.

Gaurang Sahay's article takes up the issue of discrete caste identities and confronts the face-off between power and ritual with illustrations from rural Bihar. Lucia Michelutti's article on Yadavas makes the further point that not only do Yadavas have a powerful sense of identity, they believe that they are probably the best vehicles for democratic politics. The obvious contradiction of equating democracy with an overvalued caste identity does not in any way deter Yadavas from political activism. When it comes to political activism in contemporary times, both Sahay and Michelutti point out that the power of a caste is not always directly proportional to its numbers. A lot depends on the organisational strength of a caste. The Yadavas, for example, are politically very powerful even though they do

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not dominate numerically. The same can be said of the Jats of west Uttar Pradesh who, with no more than 8 per cent of the population, controlled till very recently the politics of Moradabad, Bijnor, Muzaffarnagar and parts of Aligarh districts. This brings out an important aspect of caste politics that is often ignored. As no caste can single-handedly win an election, it is important to strike alliances across communities. Yet it is not orthodox ranking that determines who is to align with whom. The famous KHAM alliance in Gujarat brought together the strangest of compact between Kshatriyas, Harijans and Muslims, who could not be more distant from each other in terms of orthodox positioning. Nor is it that castes once aligned stay together over long stretches of time. As Sahay and Michelutti show, castes have no permanent friends when it comes to politics. Depending upon the individual interests of castes, they might shift their loyalties quite dramatically within a very short period of time. All of this would have been difficult to conceptually appreciate if one went by the logic of the traditional Brahmanical hierarchy to which every caste supposedly paid obeisance.

Prem Chowdhry's description of the Jats of Haryana, another agrarian caste, is yet again an example of bold over-valuation of one's caste identity. In this case Chowdhry demonstrates how caste councils within this community attempt to order kinship and gender relations to maintain the purity and character of the strain. What makes Chowdhry's study especially interesting is that within the caste of Jats there is a strong sense of rivalry and competition between different clans, or *khap*s within a caste. Further, as Chowdhry is quick to point out, claims of superiority are actually buttressed not by recourse to orthodoxy but to economic status.

Badri Narayan's article examines in detail origin myths that provide dalits with a sense of pride with regard to their caste heritage, regardless of how *Yagnavalkyasmriti* may have characterised them in the textual tradition. The low-caste Pasis believe that they are a martial community, for they were born of the sweat of the Kshatriya king and fabled Brahmanhater, Parasuram. To this end they argue that their caste name Pasi is an amalgam of two words: *pa* to grip, and *asi* the sword. The fact that they rear pigs has also been given a caste explanation. According to the Pasis, they began to rear pigs as they feared the marauding Muslims who would attack them and take away their women. As Muslims loathe pigs, rearing them was a good prophylactic against Islamic depredations. The erstwhile Chamars of Bihar, as Sahay points out, claim Kshatriya status as well. In addition they consider the *Shri Chanwar Purana* to be their religious text, regardless of what orthodox opinion may be on the subject.

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Even the Bedias, a caste whose women are primarily sex workers, claim descent from Rajputs and adopt the fiction of patrilineal kinship even though, as Agrawal explains, this seriously stretches the nature of gender relations pertaining within this community. The Bedias assert that a person's caste should be determined from the father's side, and as the clients of their women are Rajputs, Jats and even Brahmans, the children born from such unions should rightfully belong to these upper castes as well. As the Bedias contend, the wheat that is sown determines the variety, not the earth. The contradiction between what they are known as by the outside world and what they themselves consider to be their rightful status is explained away in a number of rather disingenuous ways. For example they may say that I am a Pandit, but otherwise I am a Thakur; or my bodily parts (*ansha*) are of the Jats, but by living among the Bedias I have become one with them. In fact in one case, as Agrawal records, a Bedia woman spurned an offer of marriage from a Jatav boy for she felt that it would be beneath her, as a Thakur, to marry a man from a low caste. In keeping with this general disposition, when Bedias enrol in schools or go to urban centres for jobs, they call themselves by upper-caste names such as Verma, Sharma, Tewari, etc.

Neither can we maintain, as Karanth demonstrates with field notes, that replication of 'upper caste' values necessarily implies acquiescence down the order. According to Karanth, more often than not, replication among the poorer castes is a way of asserting their identity and claiming status parity with those who were once, quite unambiguously, their social superiors. Therefore, unlike Moffatt's argument on this subject, when the so-called 'lower castes' replicate the values of the 'upper castes' they do not participate in their own subjugation (see Moffatt 1979: 303). The Holeyas and the Madigas do not agree on who is superior to whom, while the Lambanis (another traditional low caste) maintain a distance from both and assiduously adhere to their own ritual observances. In fact, it would be incorrect to argue, as Karanth points out, that just because a few members of the Holeya, Madiga and other service castes perform their traditional caste-based service roles, all members of these communities are not enveloped in an inclusionary hierarchical embrace. A majority of those who belong to these subaltern communities do not have anything to do with patron-client networks and, indeed, the fact that the Okkaligas can no longer act as patrons has given the poorer castes the room to come out and boldly assert their identities. Surinder Jodhka makes this point very convincingly with respect to the Ad-Dharmis of Punjab. This caste was traditionally known as Chamars, or leather workers, but

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with their rising economic status, coupled with the gradual diminution of the power of landed Jat Sikhs, the Ad-Dharmis freed themselves economically from village-level subservience to landowners. In fact they have gone much further on the symbolic plane and have severed ties with established Gurudwaras and set up their own places of worship instead.

The Ad-Dharmis' opposition to Jat dominance is possible because the kind of control the Jats once exercised in villages can no longer be worked up with any degree of authenticity. Land holdings have shrunk in size and investments in agriculture are no longer as lucrative as they used to be even twenty years ago. Given these multiple openings, spatially and interactionally, Ad-Dharmis have been able to free themselves of their earlier subalternity. They have now successfully carved out a special niche for themselves where they can assert their identity all the way from ritual to economics to political mobilisation.

It is not as if caste assertions of earlier agrarian and subaltern castes abide by the traditional format either. To argue that such identity movements are further instances of Sanskritisation would be quite incorrect. Neither the Holeyas nor the Madigas are Sanskritising themselves, but are delving deep into their own discrete practices to signal their differences from other castes. On this point Gaurang Sahay's article is very illuminating. Sahay argues that though Koeris, Yadavas and Chamars in central Bihar are powerful and wealthy enough to Sanskritise their lifestyles, they pointedly choose not to do so. Koeris and Yadavas do not use Brahman priests to perform their rituals. In fact, Koeri priests are chosen for this purpose by both these castes. In the case of the Ad-Dharmis of Punjab, they insist on a portrait or bust of Sant Ravidas in their place of worship, primarily to signal their distance from the established Gurudwaras that are controlled by land-owning Jats.

The assertion of caste identities can be conceptually accommodated if we draw from Celestine Bouglé's insight made long ago. Bouglé argued that the tendency of castes to exalt their own practices logically leads them to adopt the principle of mutual repulsion (Bouglé 1992). This adds to the multi-directional pulls that exist between contending castes. The fact is that orthodoxy, whether of the Gurudwaras or of the Brahmans, is quite openly challenged in the identity assertions of the once-subjugated castes as soon as they get the opportunity to do so. In many cases, as we discussed earlier, Brahmans are not even called upon to perform their traditional priestly role. Karanth's article shows how Brahmans were forced out of the temples in his field village by the overbearing Okkaliga landed castes. The Jains too, as Cort points out, pay scant respect to the

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Brahmans. In fact, they consider Brahmans to be quite low as they eat food offered by others in temples. Merchant Jains only look up to Nagar Brahmans because the latter are rich traders and do not perform any ritual function. As far as the Sikhs are concerned, indeed for Punjabis in general, Brahmans were never influential in any way. Jodhka's article clearly brings out the indifference, if not contempt, with which Brahmans are held in Punjab. To get a measure of this it is perhaps worthwhile to note that, unlike many other parts of India, Brahmans never played an important role in education in Punjab, probably because Urdu was the language of the literati and the elite in this region from pre-colonial times.

No doubt our undue dependence on literary texts has obscured from our view the true nature of caste. If caste identities are today visible everywhere to the naked eye it is not because this is a new attribute but because our obsession with the pure hierarchy did not allow us to see this phenomenon in its true colours. If caste and politics now dominate power calculations in India, this should not be taken to mean that caste was impervious to politics in the past. What has happened instead is that castes today have a different context in which they can express their identity driven politics. As the context has undergone major modifications (such as through urbanisation, adult franchise, etc.), caste identities are expressing themselves differently from the ways they did before.

In this sense it would be incorrect to rush to the conclusion that castes have changed in contemporary India. What we should acknowledge instead is that contemporary transparencies have brought to light aspects of caste that were previously darkened by imperfect lenses. Caste has not changed, but the potentialities that were always there within this stratificatory system are now out in the open, and in full view. True, contemporary contexts should be congratulated for allowing us to see these 'certitudes' in caste. True also that history has done most of our phenomenology for us. But that is not the same as saying that caste has changed intrinsically. Certain known correlates of caste—such as inter-dining restrictions and occupational specialisations—can hardly find empirical supports today. But then again, it was certainly not the case that caste and occupation neatly dovetailed in the past. The phenomenon of 'caste-free' occupations is fairly well-known (see Béteille 2002: 45). Nor can we say that commensality is totally ignored today in caste calculations; just that the spaces for such strategic moves are more limited now than what was true generations back. Castes cannot change intrinsically as long as they are fundamentally founded on identities that draw their sustenance from a rhetoric of natural differences that are imbued with notions

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of purity and impurity: as the saying goes, the more things change the more they are the same.

To be able to go beyond caste identities is not something that either democratic politics or market economics can accomplish with ease. To disarticulate caste, endogamy has to be surmounted. Only urbanisation and its logic of anonymity can accomplish this task. True metropolitan experience, as Salman Rushdie once said, is when it is impossible to determine who one's neighbour is going to be. What is true for neighbours can easily be extended to sons-in-law as well. But urbanisation will bring about this denouement in an unannounced fashion—almost as an unintended consequence. Till that happens, caste identities will find novel ways of expressing themselves, now in politics, now in economics, now in capricious expressions of hierarchy, justice and even equality.

Though it will only be thoroughgoing urbanisation that can undermine endogamy by unexpectedly coupling people of diverse castes, this should not be taken to mean that caste identities flourish only in villages. While caste identities are present everywhere, it is only the powerful and the dominant in the villages that could hitherto express their histories, heritage and hierarchies with ease. The identity expressions of the poorer, subaltern castes remained suppressed under the conditions of a closed village economy. Once outside such rural confines, caste identities get much greater scope to play themselves out. This is why the first exposure to urbanisation gives caste identities a fresh lease of life. It is not as if the urban world has made people more caste conscious, but rather that towns and cities impart a certain level of freedom such that caste identities can now be fearlessly, and unabashedly, expressed. This is what is ultimately responsible for loosening a cataract of caste politics in contemporary India. It requires a certain urban generational depth to work out this caste anxiety that is at the root of competitive caste behaviour. This time lag gives rise to the optical illusion that castes get stronger because of urbanisation. Often, things get a lot worse before they get better. Unfortunately, such a cycle of fortune nearly always outlives the biography of the researcher. That is the mortal part of scholarship.

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1

Caste panchayats and the policing of marriage in Haryana: Enforcing kinship and territorial exogamy

Prem Chowdhry

This article looks at the phenomenon of bitterly contested marriages in Haryana which breach the principles of village and clan exogamy, and analyses the issues thrown up by such marriages. Based on recent case studies, it examines the social factors operating behind the intervention of the caste panchayat—an extra-judicial body—and the success and limitations of this intervention in resolving such issues. The analysis highlights fluctuations in the status of different clans, and the contemporary multi-directional pulls within a caste, with different groups either claiming a higher or equal status, or attempting to maintain their status against challenges and erosions effected by other clan groups within the caste fold. The issue of contentious marriages reflects the degree of internal strife, conflict and cleavage in contemporary rural society in Haryana, underlining the way in which a combination of forces are using traditional tools for traditional as well as modern political purposes.

In a caste group in north Indian society the principles of hierarchy and equality are articulated in complex ways. For example, all Jat *gotra* or *got*, as it is known in rural north India, are considered equal. The *got* is an exogamous patrilineal clan whose members are thought to share patrilineal descent from a common ancestor (not from a single mythological sage as understood by the brahmanical use of the term *gotra*). Yet there

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is a social hierarchy within the caste, and especially among different *got* within a village, which involves notions of dominant and subordinate *got*. Often there is considerable disagreement concerning the rank order. The changes occurring in ideas about rank and equality, along with the increasing differentiation of status, power and wealth developing within each caste, are contributing to a re-evaluation of the relative status of different clans and the collapse of the earlier relatively coherent, internally consistent ideology within the caste group. The attempt to translate the theoretical and ideological equality into social structural equality within a caste has evoked both a challenge—cultural, social and political—as well as a fierce resistance.

Difference and hierarchy are the two most widely acknowledged and characteristic features of the caste system.[1] To maintain these characteristics, the principle of strict caste endogamy has to be maintained. Inter-caste marriages lead to a blurring of the differences between different caste groups and disturb the recognised caste hierarchies. Anyone venturing to transgress this law is out-casted or expelled from the membership of the caste group. On the other hand, attempts at strict enforcement of a ban on marriages between certain *got within the same caste group* can be seen as attempts at enforcing a hierarchical and ranked order. Effectively, this suggests a reproduction of the caste system within a caste group, the only difference being that 'ritual hierarchy' criteria (for instance, the ban on inter-dining) are not entailed. In such cases, the hierarchical differences between *got* are manifested as status rivalry, leading to social boycott and often to the expulsion of the transgressor, their families and even an entire group from the caste. All this is done under the traditional ideology of *bhaichara* (brotherhood) that disparages competitiveness and contest within a caste group in order to maintain its *izzat* (honour) and *aika* (unity and solidarity). The collective strength of the caste panchayat (council) is used to socially control deviant caste members so that the cohesiveness of the caste group is maintained. Paradoxically, this blatant legitimisation of inequality within a caste group leads both to its further split and fragmentation, as well as to its solidarity in different social contexts and relationships.

This article looks at certain types of bitterly contested marriages in Haryana, and analyses the issues thrown up by such marriages. Based on recent case studies, it examines the social factors operating behind the intervention of the caste panchayat and the success and limitations

[1] For a detailed sociological exposition of caste, see Gupta (1991, 2000: 1–85).

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of this intervention. It reflects upon the working of the caste panchayat, which emerges as a collective body, wholly patriarchal, using its united power for repressive ends rather than egalitarian or democratic ones. It seeks to understand how and why, despite the post-colonial structural changes in law and polity, the caste panchayat continues to wield dictatorial power as an extra-judicial body, and how it is able to use social problems, especially those pertaining to questions of marriage, for legitimation of its authority, which has been severely eroded over the years. It tries to determine the role of the state agencies in abetting this traditional authority and in legitimising the illegitimate, even while eroding the moral authority of the panchayat. The issue of contentious marriages reflects the degree of internal strife, conflict and cleavage in contemporary rural society, highlighting the way in which a combination of forces are using traditional tools for traditional as well as modern political purposes.

I
Customary rules and caste panchayats

The customary rules regulating marriages in Haryana stand diametrically opposed to the law of the land. Briefly speaking, under the Hindu Marriage Act (1955), except for the observation of certain prohibited degrees of relationship, legal restrictions on the choice of marriage partner are almost non-existent.[2] This implies that under the law, both *sagotra* (kin in the patrilineal line of descent whose members claim descent from the same *gotra* ancestor) and inter-caste marriages are permitted.[3] Yet,

[2] Certain persons, however, could not marry under this Act: those related as *sapinda* (shared body relationship), unless the custom or usage governing them permitted marriage, those with a living spouse or those of unsound mind, suffering from mental disorder and incapable of giving consent, and those subject to recurrent attacks of insanity and epilepsy. See Section 5 of the Hindu Marriage Act, *Mulla Principles of Hindu Law* (Desai 1966: 599–751). The age limit of 15 years for the girl and 18 years for the boy sanctioned under this Act was raised to 18 and 21 respectively by the Child Restraint (Amendment) Act 2 of 1978.

[3] In 1946, *The Hindu Marriages Disabilities Removal Act* was passed, which permitted *sagotra* marriages between two Hindus notwithstanding any text, rule or interpretation of the Hindu law or any customary usage. This was followed by *The Hindu Marriage Validity Act, 1949*, which validated inter-caste marriages, and by *The Hindu Marriage Act* (*no XXXV of 1955*), a far more comprehensive Act, which incorporated both these Acts and offered more freedom in marriage, separation and divorce. For details of these Acts, see Gupta (1982: 583–89, 655–69).

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customarily, there are a variety of rules and practices and degrees of prohibited relationships observed in respect to marriage in different regions of India. This is specially marked in the north/south divide.[4] Customary marriage rules in most parts of north India uphold caste endogamy and adopt the rule of *gotra* or *got* exogamy. Most caste groups, upper or lower, follow a rule of three or four *got* exogamy.[5] A person is not permitted to marry into his or her own *got*, nor into the *got* of his mother, his father's mother, or usually the mother's mother. The last bar is, however, not universal and the restriction is apparently declining. In effect, the *got* rules prohibit marriage with first cousins of either the parallel or the cross variety. In certain instances (elaborated later) the principle of *got* exogamy is enlarged by clustering several other *got*s represented *in the same village* into an exogamous bloc. Marriage between these *got*s is prohibited or restricted.

In extension of the principle of 'kinship exogamy', there is a rule of territorial exogamy. Most caste groups, such as the Jats, expressly forbid marriage within the same village, and with every village which shares a border with the natal village, or in which other clans of one's village are well represented. The combined effect of these rules of exogamy is that, apart from the three or four *got* exogamy rule mentioned above, a large number of *got*s have to be kept outside the purview of marriage. The inhabitants of a particular village cannot intermarry in a large number of villages, especially adjacent villages or those that fall in the *khap* area (the area held or controlled by a clan). In all these villages the tradition and customs of the dominant *got* are followed by all *got*s. If the dominant *got* observes the tradition of avoiding certain *got* for purposes of marriage, all other *got* in these villages will also follow this avoidance pattern. The inclusion of village exogamy (with its notions of locality being equivalent to consanguinity) observed by virtually all caste groups, high or low, and the existence of a large exogamous *got* bloc, introduce considerable complexity to the marriage prohibitions. (However, in parts of Haryana, namely in Sirsa district which shares its boundaries with Rajasthan, as well as Fatehbad, which was a part of Sirsa district till 1997–98, there is no tradition of village exogamy as elsewhere in Haryana. Fieldwork done

[4] For these regional diversities and their accommodation and articulation in the politico-legal regime of post-independent India, see Uberoi (2002).

[5] Gathered from field interviews. For the same norms in other parts of northern India, see Lewis (1958: 160–61), and Pradhan (1966: 89–91).

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in three villages of these districts—Bhodiya Khera, Khariya and Chautala—shows this abundantly.)[6]

Culturally translated, the principle of village exogamy means that all men and women of the same clan, the same localised clan and the same village are bound by the morality of brother–sister and, therefore, that both sex and marriage[7] are prohibited between members of any of these units (Hershman 1981: 133–34). This extends to the *khap* area involving more than one village and more than one *got*. Significantly, terms like *bhai* (brother*)* and *behan* (sister) are used in the villages even for persons who are not related to each other. Transcending ties of biological kinship, they embrace all males or females of the village of one's own generation, notwithstanding caste affiliations. One of the important connotations of the term *bhai* is that a *behan*'s care and protection are entrusted to him. He is to safeguard her honour and not sully it. These prohibitions create the *bhaichara* which establishes equality between all and denies all hierarchy. This is the idealised *biradari* (community)—both that of the village and the caste—which has full *aika*. Clearly the most hallowed

[6] This region has a different tradition, which dates back to the time of village settlements when a large number of people from neighbouring regions migrated to settle down in this part of Haryana. Sirsa, for instance, came to be termed in the colonial period as the 'meeting place where the Bangru Jats from the Bikaner region, the Sikh Jats from the Malwa and the Muslim Jats from the Satluj valley, meet the Jats of Hissar' (Ibbetson 1981: 126). The large-scale migration meant the existence of twenty-four to thirty *got* in a single village. This made it impossible to follow a tradition of village exogamy in marriage alliances. Moreover, these families had all migrated along with their *rishtedar*s (families related through marriage). Since the villages included both the affines as well as consanguines, the tradition which allowed marriage alliances within the village or in the neighbourhood was consolidated. The second major migration to this area took place in the aftermath of the Partition (1947). The refugee population who settled down in this region also followed a tradition of making caste-endogamous marriages within the village. The nature of the settlement patterns of these villages also meant the absence in this region of a *khap*-panchayat, tracing its origins to a common ancestor. This provided another important reason for following a different tradition. This absence meant that the caste panchayat could not be as powerful as in the rest of Haryana in the imposition of its diktats. I thank Dr D.R. Chaudhary for a discussion on this aspect.

[7] Though clandestine sexual relations occur not infrequently between classificatory or village brothers and sisters, any social approval of them in the form of marriage is considered an approval of incest and therefore violently resisted. The semi-secret liaisons tend to be overlooked, as they require no realignment of social relations; as marriage is forbidden, the relationship is also necessarily of limited duration. Marriage, on the other hand, affects the alignment of relationships between groups; it has to be publicly validated by overt transactions, and provides a precedent for similar arrangements in the future.

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cultural concepts like *aika*, *izzat*, *biradari* and *bhaichara* are contingent upon maintaining the traditional marriage prohibitions.

It is a breach in these prohibitions that provokes the *biradari* to use the traditional tools available to them in the form of caste or village panchayats to stem such attempts. The term *biradari* is variously defined according to usage. McKim Marriott, for instance, notes that 'the term *biradari* refers not to just one concrete structural unit at the village level but rather to patrilineal connection, real, putative or fictional, at any level of segmentation' (Marriott 1962: 265). Although usually it is the agnatic kin who form the *biradari,* in some instances it may include cognates as well (Das 1976: 1–29). In the context of a caste group, a *biradari* is a social group made up of males who believe they are descended from a common male ancestor, which makes them equal and 'brothers'. But used in the context of the village, *biradari* refers to the entire village, overriding differences of caste, class and creed. Territorially this may extend from a single village to a group of villages.

Customarily, the *biradari* uses the traditional panchayat,[8] or rather, one of a set of traditional panchayats, to settle a variety of disputes regarding caste and inter-caste matters, transgressions, questions of property rights, inheritance and disputes which threaten the peace of the village or the immediate region.[9] Questions of marriage and sexual affairs form a significant proportion of such disputes, and it is in this sphere that the panchayat frequently intervenes to impose 'justice' according to its own definition. Although very little is known about the working of traditional panchayats in contemporary times,[10] they certainly remain an active force in rural north India.[11] In cases of contentious marriages, it is the *caste* panchayat of the *biradari* concerned that is called upon to settle matters.

[8] I am using the term 'traditional' panchayat to distinguish it from the statutory panchayat established in post-independence India. This usage in no way means that this pre-colonial and colonial body was in any way a non-changing, static institution. Like caste, the traditional panchayat has also undergone changes over time.

[9] Retzlaff (1962: 18) distinguishes four different kinds of traditional panchayat in northern India: (*i*) caste panchayat; (*ii*) general meeting panchayat or the village multi-caste panchayat; (*iii*) the farmer-retainer panchayat; (*iv*) the single purpose panchayat.

[10] For a succinct resumé of the work done by different scholars on traditional panchayats, see Mandelbaum (1990: 278–93) and Cohn (1990: 55–61). It may be noted that most such studies touch upon traditional panchayats as part of their research and fieldwork around village society. The one full length study of panchayats from Uttar Pradesh by M.S. Pradhan (1966) remains shrouded in controversy about its authenticity.

[11] According to Hershman (1981: 35–36), the clan and caste panchayats in Punjab have lost the authority they had exercised in the past, when they acted as courts and

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Certain recent cases in Haryana show the frequent intervention of the caste panchayat, which has no legitimacy in law, to attempt to change relationships and impose their own preferences, subsuming the individual/family will to that of the village/collective and prioritising the village and *biradari*'s *izzat* over that of individuals. To illustrate, I shall present an in-depth study of a recent case that occurred in village Jondhi of district Jhajjar. This study is based upon fieldwork done during 1999–2002. In the course of discussion I shall introduce other cases to emphasise some of the major points. The account that follows will throw light on the working of the caste panchayat and accentuate some of its more important features.

II
Dictating relationships: The case of village Jondhi

A recent case which took place in early July 2000 in village Jondhi demonstrates the awesome power of the caste panchayat, the brutal extent to which the village culture and tradition can be extended, the continued hold of caste customs and traditions, and the challenges that these traditions and customs are facing. This case raises various questions regarding marriage and highlights the social ambivalence regarding issues of control, of prohibitive degrees and of incest.

In February 1998, Ashish, a Jat boy of village Jondhi in Jhajjar district, 25 years of age, married Darshana, a 16-year-old girl from village Dabari. This village adjoins Haryana but falls within Delhi. When the case surfaced in July 2000, the couple had a1½-year-old son. Ashish, a truck driver by profession, used to take export items from Delhi airport to Bangalore. He had been operating on this route since 1993. As is usual with the majority of people from rural Haryana who work outside their village and state, Ashish had his wife and child living with his other family members in village Jondhi. His immediate family included his father, Satbir Singh, and his grandfather Daryav Singh, who lived with them. His extended family in this village, consisting of his five uncles and their families, comprised some forty members.

arbitrators in disputes affecting their members. According to him, cases are seldom submitted, as they once were, to the elders of the *biradari* or caste panchayats to decide. The situation in Haryana and Uttar Pradesh would appear to be different in this regard from that of Punjab.

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Trouble around Ashish and Darshana's marriage arose nearly three years after it had taken place when it became public knowledge that a Dagar *got* boy had married a girl from the Gehlot *got*. Under the rule of exogamy, these two *got*s in village Jondhi fall in the category of prohibited *got* and cannot intermarry. According to a 'tradition', allegedly dating back 500 years, the founder of the village Jondhi, a Jat called Jondh, Gehlot by *got*, had gifted 2,000 acres of land to Jats of the Dagar *got*, a destitute family then living in the jungle, and settled them in the village. This was a time of great paucity of population when all hands were needed to till the land. Around 5,000 acres of land remained with the Gehlots. This gesture was claimed to have established brotherhood relations between the two *got*s that prohibited intermarriage between them. This tradition was claimed to have been duly respected by both the *got* members till it was broken by this couple. It incensed the Gehlot Jats who summoned a caste panchayat of the village to thrash out the issue and avenge the alleged insult inflicted upon the *izzat* of the entire village by such a marriage. Although a caste panchayat, its attendance is open to all villagers. However, as the concerned matter is internal to the caste, it is left to the villagers to decide whether to attend it or not. This is important, as the decision taken at the caste panchayat is binding upon all villagers. Indeed, the co-operation of the entire village is needed to implement the decision of the caste panchayat.

This panchayat appointed a committee of twenty-five members in July 2000 to go into the matter and a series of meetings were held to allow the two parties to come to a compromise in some way. The Dagar family was repeatedly asked to appear before the panchayat dominated by the bigwigs of the Gehlot *got* in the village. From Ashish's immediate family only two of his *tau*s (uncles) attended the meetings. Other members of the family, fearing the worst, stayed away. His father, unable to bear the social strictures, went into deep depression, increased his liquor intake, and was unable to talk to anyone. Only a few members of the Dagar family appeared before the panchayat. The importance given to this 'breach' in marriage prohibitions can be adduced from the fact that, within a span of two weeks, eight meetings of the committee appointed by the panchayat and three meetings of the panchayat were held to come to grips with the problem. During these two weeks almost every conversation in the village and surrounding villages revolved around this issue. All that the villagers could talk about was this 'disgraceful affair', as someone put it.

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The couple's absence from these meetings incensed the villagers. The panchayat, noting this as a further defiance, issued an ultimatum to the Dagars at the end of two weeks. The entire Dagar family, including the couple, was ordered to appear before it on 17 August 2000. Failing this, the panchayat declared its intention to deliver their verdict and have it implemented. On the appointed day, a truncated Dagar family, minus the couple, attended the panchayat. The latter announced its verdict and inflicted heavy punishment on the Dagar family.

In a public pronouncement, the caste panchayat held the concerned Gehlot and Dagar families guilty of wilfully breaking a time-honoured village tradition. The Gehlot family of village Dabari came under severe strictures for marrying their daughter to a Dagar boy. The family was expelled from the *biradari* of Gehlots. In future no Gehlot was to have any contact with them. The Dagar family was also vehemently denounced. It was alleged that the Dagars brought about this marriage knowingly, stealthily, and calculatedly. For this, it was pointed out, the number of *barati*s (marriage party) was kept deliberately low. It consisted of only fifteen to twenty people, so as to keep the matter under cover. It was even reported that at the time of wedding, when someone raised the question of prohibited *got,* he was misinformed that the girl's *got* was Solanki—the *got* of the dominant Jats of village Dabari. The latter village has only ten to twelve households belonging to the Gehlot *got*, the remainder being Solanki. It was also given out that the father and grandfather of the bridegroom, who knew of the violation of the *got* prohibition, had deliberately stayed away from the marriage celebrations.

Unequivocally condemning the marriage, the caste panchayat ordered it to be nullified. This decision was in keeping with the popular concept of women as repositories of community honour. Such a concept turned Darshana into an object of honour for the Gehlots—an honour that could not be allowed to be abused at any cost. If this honour had been compromised or defiled by an act of marriage, such an act must be reversed and her status as an unmarried girl must be restored. Consequently, the couple was ordered to revert back to their brother–sister fictive relationship, in keeping with the *got* status that had existed prior to their marriage. This was the only relationship between the Gehlot and Dagar *got*s which the Jondhi caste panchayat was willing to recognise.

To effect this transformation, the panchayat prescribed a ritual procedure to be observed. One, Darshana was to unveil herself in the full assembly of the village. This was a symbolic turning of the *bahu* of the village into a *beti* (daughter). (No daughter is required to veil herself in

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her natal village.) Furthermore, she was to tie a *rakhi* on Ashish, that is, publicly accepting him as her brother.

Two, as a daughter, Darshana was to be married again. Her father-in-law, now transformed into her father, was to perform the *kanyadaan* ceremony for Darshana and give her away as a bride. The Dagar family was to bear the entire cost of her marriage. This also meant that Darshana was demoted from her 'superior' Gehlot *got* to 'inferior' Dagar *got*. This made the Dagars responsible for getting her remarried.

Three, the son of Ashish and Darshana was to remain with Ashish. Ashish's family was ordered to deposit Rs 5,000 in the account of his infant son as security.

Four, all forty members of this family were to be expelled from the village. They were given a week to make their departure.

Five, the members of Ashish's family were ordered to sell off their land and other property in the village within a period of two weeks. Failure to comply with these injunctions would result in confiscation of their land and property by the panchayat and forcible eviction from the village.

Six, in case the Dagar family allowed a week to lapse without complying with the panchayat's orders, they alone were to be responsible for any untoward happening in the village. The panchayat refused to accept any responsibility for their lives or property after a week.

The latter stricture was certainly a tacit approval of violence. Such cases are far more pervasive than acknowledged. They play an important role in maintaining structural and assumed hierarchies and are considered normal and legitimate. Violence as an expression of power would certainly have been used by the male Gehlot *biradari* of the village against the couple, and against Darshana in particular, in order to reproduce and reaffirm the relative status and authority of the two *got*s. The Dagars' defiance offered the Gehlots a pretext to punish them for wrongdoing and to assert the importance of maintaining or exercising their authority. With the belligerent tone of the panchayat and rising tempers, wide-scale violence was apprehended.

Yet the police stood by silently. The Deputy Superintendent Police (DSP) of the Jhajjar police station, when contacted regarding this matter, admitted: 'No one bothers about the police in the village. Our decree does not work in the village.' The Station Police Officer (SPO) maintained that the police intervene if and when the law and order breaks down or a complaint is lodged by one of the parties. This 'official' policy of wait-and-watch adopted by the state agency in such cases helps establish the

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might of the caste panchayat. Even after the complaint was made to the police, the latter advised the complainants to pressurise the elected sarpanch to make her act. Such matters, according to the SPO, should be settled by the caste elders: 'What are they (the elders) for?' he asked. The precise nature of state intervention in such cases is context specific rather than principled, and does nothing to reinforce the objectives on which the state structure is based, i.e., equality, egalitarianism, citizenship, adulthood, etc. It merely acts to restore law and order, and that reluctantly, encouraging the illegitimate forces to take over. In other words, the police overlook social problems to seek a settlement through the panchayat. Similarly, the sarpanch of the officially instituted and elected gram panchayat not only supports the decisions of the caste panchayat but also actively promotes it, as we shall see presently.

The caste panchayat's belligerent stand put the Dagars on the defensive. They reportedly requisitioned a larger body, i.e., a *khap*-panchayat (a multi-clan council drawn from wider clan areas, also known as *maha-panchayat*) to review the case. On 23 August 2000, a *khap*-panchayat of both the *got*s assembled from different villages took place in village Jondhi. An estimated 1,000 people gathered in the village for this purpose. The Dagar *got* from *panchgama* (of five villages) was massively represented. Representatives of the Gehlot *got* from eighty-three villages also assembled on special request from their *got* kinsmen of Jondhi village. The proceedings of this panchayat took place under the chairmanship of Daya Kishan, the chief representative of the Gehlot *got* from village Mitrao in Gurgaon district. He was also the former pradhan (head) of the Gehlot *khap*-panchayat of forty villages, and had also served as a sarpanch of the gram panchayat in the initial years of independence. Both sides were given a hearing for more than two hours. In this the Gehlots were aggressive and the Dagars defensive and repentant. The senior Dagar, Daryav Singh, placed his *pagri* (headgear) on the ground and apologised profusely with folded hands for the mistake unwittingly committed. The *phupha* (uncle) of Ashish, Ishwar Singh, the go-between in the marriage, acknowledged his mistake by holding his ears in repentance and promised never to repeat it. The Dagars pleaded for leniency, maintaining that the earlier decision of the Jondhi caste panchayat was too harsh on the couple, especially in view of their child.

The *khap*-panchayat appointed a committee of eleven—five representatives of each *got,* headed by the president of the *khap*-panchayat. A written declaration was taken from both the *got* representatives and the concerned families that they would honour the decision of this committee.

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The decision, taken after a great deal of consideration, was communicated publicly. The *khap*-panchayat did not dissolve the marriage, but refused to condone it. It also refused to review the decision taken by the Jondhi caste panchayat against the Gehlot family of village Dabari. Darshana's natal family was excommunicated from their *got* for giving their daughter to a Dagar boy in marriage. They could no longer call themselves Gehlot. Socially boycotted for life, no member of the *got* was to associate with them in any way. All pleas for clemency were rejected by the *khap*-panchayat. The *khap*-panchayat further expelled the couple from Jondhi village for life. They were not even granted visiting rights. Their male child was exempt from this punishment, clearly on the grounds of patri-lineage and sharing of blood. The other forty members of this family in Jondhi were allowed to stay in the village, but were expelled from the *biradari* for two years. After two years they could request the Jondhi caste panchayat for a review in order to seek re-admission to the *biradari*. Till then there was to be complete social boycott of the family. Their *huqqa-pani* with other members of the village was banned. Neither could they participate in any of the village festivities, nor could anyone else participate in theirs. Any infringement was to be severely punished.

These, briefly, were the major highlights of the case. Further investigations and interviews revealed certain nuances of the case, which bring into relief the contest around popular cultural and customary practices in rural areas.

Socially, Jondhi is a Jat-dominated village. The Jats constitute 75 per cent of its population. In this, an overwhelming 50 per cent belong to the Gehlot *got* and about 25 per cent to the Dagar *got*. The Gehlots certainly own the bulk of the land in the village, but they are lagging behind in education and other professions compared to the Dagars, who are financially better off. Having taken to education they have branched out, perhaps noticeably more so than the Gehlots, towards work other than cultivation. A large number of them are in the army, the police and other government services. Many have migrated to foreign lands and still others have come to own *sharab ke theke* (liquor shops) and *bhatta*s (brick kilns), and are among the leading businessmen of this region.

The success of the Dagars has been a source of tension between the two *got*s for some time now. The ex-pradhan of village Mitrao spoke of *khundak* (tension/resentment) that some people in the village had against the Dagars, which, according to him, was reflected in the Jondhi caste panchayat's decision. Although he refused to elaborate, it is clear that, in a scenario of unemployment and growing population, there is severe

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competition over material resources. The Dagars, according to my Gehlot informants, were not sufficiently respectful towards them (Gehlots). They refuse to ascribe this self-confidence of the Dagars to the changed social milieu and the improvement in their economic standing, but put it down to their arrogance and the existence among them of anti-social elements. The Dagars' claims to equality clashed with those of the Gehlots, who looked upon the Dagars as subordinate partners, and as being of inferior status.

In the traditional *got* hierarchy among the Jats, a Gehlot girl marrying a Dagar boy was bound to provoke extreme resentment. It would be considered a *pratiloma* (hypogamous) marriage by the girl—a marriage beneath herself. Although the question of incest (based upon a fictive sibling relationship between the two *got*s prohibiting any sexual contact and marital exchange between the two) was easily the most important issue around which local and regional opinion was mobilised, a significant associated aspect was the question of status and hierarchy, based upon kinship and power. The rejection or non-inclusion of the subordinate *got* in the structure of kinship alliances is a critical means by which senior lineage members manage the reproduction of power for themselves.

The marriage of Ashish and Darshana, therefore, was not merely a matter of transferring a kinship principle—the superiority of bride-takers and inferiority of the bride-givers—to the clan level, as suggested by Madsen in his study of a similar contentious marriage among the Jats of western Uttar Pradesh (Madsen 1991: 351–65), for the inferiority of bride-givers, due to certain factors, is limited to the immediate family only, and does not automatically apply to the entire clan group.[12] The Dagars

[12] In real terms, according to Hershman (1981: 216), the scope of inequalities created by marriage alliances is circumscribed by the following factors: (*i*) this inferiority is largely limited to specific ritual contexts, for example, at weddings and funerals; (*ii*) only the husband requires any real honour for being a wife-taker, and only the wife's immediate family shares the dishonour of being a wife-giver. The other kinsmen have their status affected in only the most nominal ways; (*iii*) the interaction of the affines is restricted to the relationship of a man with his wife's family, the marriage alliances of any one family tending to be widely dispersed across different villages and families; (*iv*) the inequalities created by wife-giving are limited because they are not significantly related to control of the means of production, i.e., land. Dipankar Gupta (1997: 167–68) similarly argues that in western Uttar Pradesh the concept of wife-takers as superior to wife-givers is not strictly observed. As an example he takes up the case of Mohinder Singh Tikait, the Bhartiya Kisan Union supremo. Though Tikait is locked in an intense rivalry with the father-in-law of his daughter, no one considers Tikait's behaviour improper.

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were not actually claiming a *superior* status, but merely a status equal to the Gehlots in village Jondhi, in keeping with their changed politico-economic standing and the egalitarian ideology of *bhaichara* existing between different *got*s. In other words, what was essentially a hypogamous marriage in the eyes of the dominant Ghelot *got*, sought legitimacy from the Dagar perspective as an isogamous match, not a hypergamous one. Such an attempt brought to the surface the on-going contest around a status hierarchy that is continuously under challenge, offering an opportunity to the contesting parties to settle scores once and for all.

The Jondhi case is not an isolated one. It symbolises a social phenomenon that is more widespread. Concerns of status hierarchy among different clans of Jats are crystallising around questions relating to marriage, contributing substantially to the redefinition of traditional practices and status claims. A recent conflict (October 2000) between the Shyrano and Sangwan Jat *got*s can be cited as an example. In the overwhelming Sangwan-dominated village of Damkaura in district Loharu, the attempt of one Bhagwan Singh of the Jhajhodiya Jat *got*, who wanted his son to marry one of the Sangwan *got* girls, was obstructed by the Sangwans. The Sangwans considered the Jhajhodiya *got* an inferior/subordinate *got* in the village, and this marriage therefore as a *pratiloma* marriage. The caste panchayat maintained: '*Sangwan got ki ladki Sangwano ke gaon me bahu ban ker nahin aa sakti*' (a Sangwan girl cannot come as a bride in a Sangwan village), and gave a verdict against it. The two parties were told to break off the engagement or face dire consequences. Bhagwan Singh's plea to the panchayat rested on the claim of his *got* being allied to the Shyrano *got* of the Jats both as wife-givers and wife-takers. The Shyrano *got* men had been instrumental in settling the Sangwans in village Damkaura. Traditionally, therefore, the Shyrano held a higher status than the Sangwans. As a higher status *got*, it was claimed that they were traditionally entitled to take wives from the Sangwans and not vice versa. This tradition came in conflict with the ground reality of the Sangwans dominating numerically and materially in the village Damkaura. In seeking to upset this marriage the Sangwans not only challenged the earlier tradition, but also appropriated it for themselves. As dominant partners they claimed the right to take and not give brides from subordinate *got* represented in the village.

The matter was resolved by evoking the ubiquitous concept of *bhaichara*. Based upon notions of equality and brotherhood, any marriage between the two *got*s would have been incestuous. Significantly, the

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objection in terms of incest was nothing but a proxy for an objection to status reversal. The relative claims of the two regionally powerful sub-clans were neutralised and tradition was recovered/reconstructed to the satisfaction of all. The marriage did not take place but a rescheduling of the status claim did. Clearly, there cannot be a uniform application of status claims. Such claims have to take cognisance of village as well as wider regional equations.

III
Status complexities: Resolving claims

In the case of Ashish and Darshana's marriage, the social aspect of the disturbance of status hierarchies is somewhat more complicated and blurred. The ambiguity of approach towards the prescribed norms is likely to spill over in this case onto more and more cases of breach. For a variety of reasons (discussed later), individual concerns may take priority over the collective village and *biradari* concerns. In the case of village Jondhi, Darshana's natal family was clearly not so well off. Darshana's father, a former state bus driver in Delhi, had been disabled due to a stroke since 1988. He struggled to bring up his family of six children—four girls and two boys. Daughters meant having to provide dowries in a situation of steeply escalating marriage costs. Anxiety about their marriages was further compounded, as the eldest girl was physically handicapped and the next daughter engaged to be married. The family's scarce resources were already stretched. Their land in the village was under dispute and the family lived on the father's pension. This meagre income was augmented by letting out part of their dwelling (consisting of three to four small rooms). This fetched them only a little extra, as rents are low in the villages. Darshana's two younger brothers, still in school, were nowhere near contributing financially to the family. In Ashish, then, this family found a good match by any standards. Ashish was reportedly drawing Rs 5,000–6,000 per month in his job as a truck driver. His immediate family owned a pucca house, milch cattle and one kila (five *bighas*) of land in Jondhi. With his wife and child living in the village and helping the other male members in looking after the land, it would mean a comfortable life with a large surplus income in the form of his salary.

In such a situation Darshana was clearly entering into an advantageous match and marrying above herself insofar as the economic status of her

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natal family was concerned. However, from the point of view of the large community of Jondhi Gehlots, this view was not sustainable on two counts. First, in kinship terms the Gehlots, as wife-givers, hardly stood to gain in status by an alliance with the Dagars. Indeed, this marriage could well symbolise the ground reality, i.e., the changed status and power equations between the Gehlot and Dagar Jat *gots.* Second, the Gehlots evaluated the social and economic status of Ashish's family not in comparison with that of Darshana's, but according to the traditional village ranking. In Jondhi, Ashish's family occupied a low status. Ashish was the only male member with a regular income. The family landholding was too small by itself to offer a worthwhile standard of living, and the household consisted of three males and no females, as Ashish's mother was dead. In the eyes of the villagers, it hardly constituted a 'family'.

Had Ashish belonged to one of the more prestigious and economically sound families of Dagars in village Jondhi, it is possible that the strictures passed by the Gehlots would have taken a different form. The caste panchayat is likely to be more lenient in passing judgement on a powerful man than on one who is inconsequential, for the important man may resist or even nullify the panchayat's decision (Mandelbaum 1990: 302–3). Daya Kishan, the ex-pradhan of Mitrao village, dismissed Ashish as someone to be pitied, someone otherwise unable to get married because of his family and financial status. What made things worse was Ashish's overriding concern and haste in getting married soon after his mother's death (a breach of the one year mandatory mourning period). With no woman at home to look after the household and prepare food for his old father and grandfather, specially when he was away, Darshana, from a financially strained household, was quickly chosen to step in. The fact that she was a Gehlot, if considered at all, may well have seemed a minor hindrance.

For the Gehlots of Jondhi, however, this was a major breach of social and cultural norms, and indeed a political challenge. Darshana's Gehlot family was held responsible for this, and the onus fell on Darshana's mother, since the father was an invalid; she had humiliated the family and brought on the united wrath of their Gehlot *biradari.* The suspicion of her active agency in bringing about the marriage was not without foundation. With a realistic assessment of her own financial position she had indeed actively promoted the marriage, and had even hastened it in order to get Darshana and her sister married at the same time. For this she was roughed up by Darshana's two uncles (*tau* and *chachu*) and her

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life was threatened. Darshana's mother complained that Gehlot women from Dabri village had also come over to her house to openly criticise the marriage alliance and to abuse her and take her to task.

The Jondhi Gehlots, on the other hand, opined that Darshana's family should have contacted their *got* people in village Jondhi to help procure an equal, if not a superior, *got* match for Darshana. The Gehlot *biradari,* they also pointed out, could even have been asked to share the cost of the marriage in case the *karta* (head) of the family was unable to meet his family's requirements. In a cultural milieu where masculinity and power are linked to the ability to protect and materially support a family, the males of Darshana's natal family stood emasculated, damned and reduced to pariah status. As one Gehlot of Dabri village was to point out: '*inki na-mard harkat ne sub Gehloton ki naak katwadi'* (their unmanly deed has emasculated all the Gehlots). The Gehlot families of Dabri village severed all relations with Darshana's family.

The Gehlot community pressurised Darshana's and Ashish's families to nullify the marriage. This forced the couple to go underground for a while in the month of August 2000. Darshana pointed out later that, had it not been for the child, the ending might well have been sordid and gruesome. Indeed, in several marriages that had transgressed the principle of territorial exogamy, the couples concerned had been physically eliminated. The whole of north India is replete with such cases (Chowdhry 1997: 1919–28). A violent ending took place in village Narnaul of Rohtak district, Haryana, where in June 1999 a Jat girl and a Jat boy had run away to get married. The caste panchayat instructed the family members to kill the girl. The family members, however, sent the girl to her *mama* (maternal uncle). Incensed by this defiance, the panchayat decided to carry out the sentence themselves. They sent a party of ten Jat boys from the village to get her from her *mama*'s house. The girl was killed and cremated by them, significantly against the decision of the family. The elected sarpanch of the gram panchayat, who was a mute onlooker, feigned ignorance. It is alleged that the girl was also raped by her so-called brothers. The contradictions underlying the ideology of 'brotherhood' come violently and blatantly to the surface on such occasions.

The caste panchayat remained tight-lipped about the identity of the culprits, clearly protecting and shielding the rapists. In episodes such as these, which are not uncommon, the guardians and protectors of the 'community' end up as violators. An FIR registered by a Rohtak women's organisation to investigate the crime came to nothing. No one was willing

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to testify. The Jat boy, her runaway partner, has been in jail since then on charges of rape and kidnapping.[13]

It is openly acknowledged that a large number of the cases which are taken up by the traditional panchayats are concerned with women. Yet no woman is allowed in the panchayat premises, not even the one who is a party to the dispute. Although this may not be true of all regions and all caste groups,[14] in Haryana a woman is represented by her male family members. The male head of her family is held responsible for her conduct. Similarly, in the almost all-male gathering of the traditional panchayats in Haryana, the female audience is missing. This again may well be region-specific.[15] Curiously, Darshana was compelled to confront the caste panchayat twice. Once, when she was hauled up to the house of Pushpa Gehlot (the elected sarpanch of the gram panchayat), the woman sarpanch, complying with the caste panchayat's dictates, lifted her *ghunghat* (veil covering her head) in the presence of thirty to thirty-five people. On the second occasion, her *ghunghat* was once again lifted by Pushpa Gehlot in front of the caste panchayat consisting of 500–550 people, all of them men. She was directed to comply with the panchayat's decision. Interestingly, what was considered humiliating by Darshana personally was projected by the panchayat members as bestowing *izzat* upon her, as an attempt to retrieve her honour rather than to defame her. Darshana considered the lifting of her *ghunghat* as a great humiliation for herself, but for the *panch*es or the villagers, reclaiming Darshana as a daughter was bestowing honour upon her. It was pointed out to me that to call

[13] A similar case was handled by an individual family and not the caste panchayat. In village Padanna, a Jat boy ran away with a Jat girl from the same village. They were not found despite an extensive search. The Jat family of the girl, belonging to the dominant and prosperous *got,* took violent revenge on the lower class/status family of the Jat boy. They dragged the sister of the absconding boy by her hair in full view of the villagers in the daytime and took her to their double-story house. They openly announced: 'You have sullied our girl and dishonoured us. We shall also soil your girl in return.' Once on the roof, the girl was raped by three of the family members, while the mother stood guard at the entrance. The matter was taken up by the Mahila Jagran Committee who moved the court on behalf of the girl's family. However, convictions could not be made due to lack of evidence and witnesses. The girl's family subsequently left the village for some unknown or undisclosed place.

[14] In village Senapur in Jaunpur district of Uttar Pradesh, when the case of a lower-caste Kahar woman was decided by the dominant Thakurs of the village, the Kahar woman was present. Her preference for a sexual mate was given full recognition in deciding the case. For details see Zamora (1990: 56).

[15] Zamora (1990: 56). In the above-cited case, both the Kahar as well as the Thakur women formed part of the panchayat audience.

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your *bahu* (daughter-in-law) your *beti* (daughter) was indeed upgrading her status and honouring her, not demoting or dishonouring her.

In Haryana it is the *beti*'s or *behan*'s honour that is given precedence and rated high. To illustrate this, the Ramayan story is cited as an example. In the matter of honour and dishonour, it is maintained that it was Ram who gravely dishonoured Rawan, and not vice versa. Ram had refused to marry Shrupnakha, the sister of Rawan, and had been instrumental in cutting off her nose. Rawan, on the other hand, had only abducted Ram's wife. In the scale of dishonour, Ram's action far outweighed that of Rawan's. Out of the two insults to a man's honour, it was a sister's honour rather than a wife's that deserved drastic action. Summing up, the commentator remarked: 'You may say anything against my wife and I may, if I like, choose to ignore you. But if you say anything against my sister, it is a different matter altogether. You will have to bear the consequences.' Although clearly exaggerated, this contention needs to be understood rather than dismissed. It may be noted that the concept of *bhaichara*, whether that of the caste or of the village, covers sisters and daughters, but not wives.[16] In terms of abuses, those relating to sisters and mothers, like *behanchodh* (sister-fucker) or *machodh* (mother-fucker), though colloquially often used in rural areas in even ordinary conversations, are the ones most likely to incite violence. Also, there is no equivalent abuse in relation to the wife.[17] Moreover, it is the brother who is considered the 'real protector' of a woman in Punjab and Haryana.[18] He safeguards her interests against others, including her husband.

For Darshana the sudden appearance of her 'brothers', claiming to protect her 'honour', was totally unsolicited. She showed her mettle by fighting back throughout this crisis. Her strength and assertiveness can be gleaned from the interview of 21 August 2000 that she gave to *Dainik Jagaran*, a local Hindi daily published from Panipat. In this interview she condemned the illegality of the caste panchayat's dictates. Educated

[16] Indeed, the most brutal retribution is reserved for an unmarried girl. In contrast to this, a married woman's liaison may or may not invoke a similar reaction. Violence as a response towards a runaway wife, for example, remains confined to individuals or families, and such cases are not known to receive the support of the wider caste/community networks, or cited as a matter of 'honour' for the entire village. Consequently, what appears to exist is a noticeable difference of approach in rural areas towards the handling of an unmarried and a married woman's amorous liaisons.

[17] A wife is generally humiliated by abusing her natal family, specially her brother and her father, by casting aspersions of incest upon them. For an interesting structural analysis of Hindi terms of abuse, see Srinivasan (1976: 72–77).

[18] See Nirmala's case cited in Das (1976).

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up to Class X and generally knowledgeable, she maintained that there was no law of the land which could force her to acknowledge her husband as her brother. Showing tremendous agency and spirit, she also approached the police for help against the illegal ways of the panchayat. (As is usual with these cases, she was not encouraged to pursue this line.) Critical of the caste panchayat, she voiced her strong resentment against its arbitrary decisions. It was she who defied its verdict by refusing to accept Ashish as her brother. She also greatly resented having been subjected to the humiliating ritual of unveiling in the full assembly of the village. She equated it with the behaviour of the Kaurvas with Draupadi. A fully alert Darshana pointed out that 'no law can stop me from entering the village', but maintained that she herself was willing to stay away 'in order to maintain peace'. Darshana also showed herself willing to contact a women's organisation in Delhi. In all this her husband supported her completely but silently. He merely added, 'if they trouble us unnecessarily we will also not keep quiet'.

The lead taken by Darshana in the interview and the low profile kept by her husband underlined the idea that she was taking on the combined might of the Gehlots as a Gehlot. Her Dagar husband, apparently inferiorised by the Gehlots (an inferiorisation which was perhaps internalised by many of his Dagar kinsmen, who were not so well-to-do as other Dagars), implicitly accepted his lower ranking and powerlessness in the caste hierarchy by keeping to the background, allowing his wife to take the lead, an unheard-of thing in the villages. Ashish never faced the caste panchayat either, whereas Darshana was compelled to confront it, which she did with great composure, as the eyewitnesses recall.

An interesting aspect of this case lies in the time factor. Why did it take three years for the news to become public, and why did it become public knowledge at all? The Gehlots give out the story that this news was accidentally discovered by some women from Darshana herself, who had gone to fetch water from the village well. When asked by the village women about her *got*, Darshana disclosed that she belonged to the Gehlot *got*. From there the news caught on like a whirlwind. Investigations suggest a different line, however. It is acknowledged that the fact of the marriage was already known to quite a few people, though it was ignored till the younger generation of Gehlot men made an issue of it. This happened during the election to the post of sarpanch of the gram panchayat in July 2000. Reserved for women, this post was won by a Gehlot woman candidate. Until then, and for fifty-two years, the post had been won by the Dagars. Though numerically strong, the Gehlots

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have been faction-ridden, and it was this fragmentation that had enabled the Dagars to get their sarpanch elected. The repeated triumph of the Dagars in the gram panchayat elections had confirmed the general perception among the Gehlots regarding the attrition of their sphere of influence in the village and the growing clout of the subordinate Dagar partners.

In the July 2000 elections of the gram panchayat, the Dagars did not offer their candidate for the post of the sarpanch.[19] Instead, they supported one of the Gehlot factions. Because of the split in Dagar votes, the Gehlot faction they had supported lost. This was flaunted in the village as a Dagar defeat. The change in the political fortunes of the Gehlots was soon reflected in their behaviour vis-à-vis the Dagars. Having come to power democratically, it seemed important for them to assert themselves. The victorious Gehlot faction in the village took to ridiculing the Dagars whenever the occasion arose. The Dagars retaliated by calling them their *rishtedar*. Translated in English, *rishtedar* merely means a relative. Colloquially, however, it means infinitely more, depending upon the occasion and its usage. It is often used in rural areas in a pejorative way. In a conflict situation it is used as an abuse, like the word *sala* (wife's brother). It designates the other person as a wife-giver who hands over his sister or daughter to another man for sexual use. According to Daya Kishan, the ex-pradhan of village Mitrao, the actual taunt thrown by the Dagar boys at the Gehlots was 'We are your *jija* (sister's husband).' Elaborating, he maintained that in a situation where brotherhood is accepted, this claim by any one party could only be an abuse directly suggesting that 'I fuck your sister'. Claiming to indulge in incest with impunity can only lead to extreme violence and murder. As sexual abuses, the use of words such as *rishtedar*, *jija* and *sala* in a conflict situation in the rural areas invites immediate retaliatory behaviour.

Aspects of the marriage that had remained under cover so far could now hardly remain so. Cut to the quick, the young Gehlot men used this

[19] Reportedly, in the previous election of the sarpanch of the gram panchayat, an understanding had been arrived at between the Dagars and one of the Gehlot factions. In that election, a non-Dagar man (son of a sister of a leading Dagar family who had settled in Jondhi) had become the sarpanch with the help of a faction of the Gehlots. The understanding was that if the Gehlots supported the 'Dagar *Bhanja*' (as he was known) in this election, the next sarpanch would be from among the Gehlots. The Dagars agreed not to put up their candidate, so that the Gehlot faction may have a chance to win. Interview, Ram Chander Yadav, State President, Democratic Youth Federation of India, Village Rampura, district Jhajjar, 28 February 2001.

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pretext to settle scores politically. They exploited it to the full to trounce the politically powerful Dagar *got* in the village and make the rival faction of Gehlots fall in line with the others and settle the contentious status claims of the rival *got*s once and for all. Traditional tools were being used to bring the different factions of the Gehlots together both for modern political purposes, as well as in line with traditional status claims within the caste—in an attempt to dislodge the rival 'Other'. In this, a traditional panchayat, though ostensibly a non-political body, ended up making political gains.

In the aftermath of the election, loud announcements by some Gehlot men that this marriage was a 'grave insult' to their caste, *got*, village tradition and custom found immediate favour with the older generation of Gehlots in the village. Confident of the latter's support, as one of them put it, they 'decided to teach the Dagars a lesson they'll never forget'. The whole matter was portrayed in highly emotional tones by declaring the marriage as *vishwasghat* (traitorous), a *kalank* (slur) on the village, and *ochchi harkat* (low-level underhand activity) by the Dagars. Widely projected as inexcusable behaviour, young and old, men and women, all were united in condemning the marriage. Dissenting voices surfaced much later.

The issue of the wilful transgression of caste, family and village norms succeeded in mobilising the villagers across caste, class, *got*, gender and age divisions. For instance, the younger generation, students and other educated youngsters, echoing the older generation, openly stated that 'anyone wishing to stay in the village must respect its traditions and customs and not go against them'. They also accused the predominantly urban job-holder Dagars of having succumbed to 'urban values' and practices at odds with the cultural norms and customary practices of the village community. Posed in such terms, even the Dagars could not voice another opinion. They supported it fully. A Dagar youngster, for instance, pointed out that 'such breach of village tradition must be punished'. With the girl's father openly accepting his mistake, the case against the Dagars was clinched. The caste panchayat was quick to cash in.

The Gehlots isolated the concerned Dagar family and put an end to their interaction with anyone, within or outside the village. They stationed their strongmen to shut out sympathisers. The Dagars, clearly on the defensive, accepted the 'fairness' of the panchayat's charges and criticised the marriage as well. Ashish's father and grandfather openly accepted their mistake and admitted their responsibility.

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Dissenting voices were raised only when the extreme verdict was pronounced. This was especially in view of the fact that the infant son of the couple had been rendered not only illegitimate, but one born of an incestuous union. Darshana reported that a few people who protested against this extreme step were silenced and threatened. These included not only the Dagars, but also some of the Gehlots. However, with the harshness and unreasonableness of the verdict, the Dagars' dissent turned more vocal. Pratap Singh, a former office-holder in the gram panchayat, summed it up by declaring it *anhoni* (unnatural).

However, no voice was raised against the right of the caste panchayat to dictate marriage alliances. There was unanimity in the village about this matter being punishable. Opinion differed only on the nature of the punishment. When approached, villagers observed that 'If the culprits are not punished for breaking the moral and cultural code of the village there will be no difference between sisters, daughters and *bahu*s of the village.' The caste panchayat's hold on ruralites was complete in this respect. The village surpanch, Pushpa Gehlot, summed up the popular sentiment by observing that: 'caste panchayats are empowered customarily to deliver judgements on various social issues. These must be honoured. In this alone lies the unity and prestige of the village generally and that of the *biradari* specially'.

Indeed, the role and attitude of the elected sarpanch is important to give legitimacy to matters such as these, which may not stand scrutiny under the law. The sarpanch, as the elected head of the gram panchayat, instituted by the government, has a lot of power and political leverage to intervene in matters which go against the law of the land and the constitutional rights of individuals. But the sarpanchs are not known to act against the dictates of the traditional panchayats. The traditional panchayats represent the *vox populi*, and to go against them would be electorally suicidal. It is a fact that panchayati raj is increasingly becoming a training ground for leadership at higher levels, and it is widely felt that the state leadership in Haryana may emerge from these institutions (Bathla 1994: 178).Therefore, instead of distancing themselves from the decisions of the traditional panchayats, the elected gram panchayat members and the sarpanch seek to emerge as supporters of the decisions of these panchayats. Indeed, in many cases the sarpanch leads from the front. As noted above, this was done by Pushpa Gehlot and her husband, the de facto sarpanch of village Jondhi. Such unqualified support from important personages associated with the state and the government works to stem any criticism and weaken any resistance that may arise.

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This is not to say, however, that the sarpanch or the other members of the gram panchayat do not share the opinions of the traditional panchayats on social matters. They do. When approached, one of the gram panchayat members, endorsing the stand taken by the caste panchayat, maintained: 'We cannot allow the whims of individuals to divide our society.' Culturally, rural north India prioritises the collective interest over and above individual interests. The members of a family are expected, as a matter of course, to place the interests of the group above their personal desires.[20] According to this reasoning, the request of the Dagar couple for rehabilitation in the village was unjustified. It is also clear that in matters such as these, the caste panchayat enjoys even wider and higher political support than the gram panchayat. For example, the Haryana Chief Minister O.P. Chautala, who visited Jondhi in the wake of this trouble, firmly maintained that 'whatever the panchayat (caste) decides is right'.[21]

IV
Revision of decision: Shifting concepts

Why did the caste panchayat inflict such an extreme and unrealistic punishment on the couple? Having inflicted it, why did it retract, even though partially? This revision is not peculiar to the Jondhi case. While the traditional panchayats not infrequently revise their decisions due to social as well as political pressures,[22] in the case of village Jondhi the answer to this revision lies in the concept of honour, and what the public holds as honourable and esteemed. Neither the concept of public honour nor the perception of this honour is static or fixed. It is fluid, and differs from time to time and from situation to situation. One concept of honour can indeed even cancel out or over-ride another concept of honour. When the caste panchayat of Jondhi took an extreme step, there were large-scale undercurrents of hostility and competition between the two *got*s of Jats. These feelings were exacerbated by the recalcitrance shown by the Dagar couple to attend the panchayat meetings even when specially instructed to do so. This happened repeatedly. A gesture of self-protection

[20] This sentiment has been borne out by a number of sociological studies, for instance, Desai (1964), Madan (1989) and Shah (1974).

[21] Jagmati Sangwan, interview, Rohtak, 28 February 2001.

[22] Madsen, for example, argues that in the case of western Uttar Pradesh, the caste panchayat, after restraining the Malik *got* from giving brides to the Balyan *got* of Jats, lifted it subsequently. Jats belonging to these two *got*s, who had already planned weddings of their wards, exercised the pressure (1991: 351–65).

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born out of the fear of reprisals on the part of the Dagars was perceived as yet another example of their arrogance and assumption of superiority, as wilful defiance and as a challenge to the panchayat's honour and authority.

The Dagars' alleged defiance of the caste panchayat had shifted the onus from the village to the panchayat. Only the most severe and exemplary punishment could restore the honour of the panchayat. The extreme decision which followed certainly helped establish the awesome power of the caste panchayat and village elders. But it also, paradoxically, eroded its honour and public prestige. The absence of most of the Dagars turned the panchayat into an exclusive and one-sided body, detracting substantially from its popularly projected democratic, united and representative face. The one-sidedness of the caste panchayat's decision was a serious charge on the honour and fair name of the panchayat and its tradition of honourable decision-making.

The traditional panchayat, ideally perceived as *parmeshwar* (godly) and *panch* as the five gods,[23] is generally known to work on the principle of balancing antagonistic factions and effecting a compromise. The power of the panchayat lies in its fairness, its ability to carry the popular opinion of the village in its decision-making, and the social acceptance of its decisions.[24] This face of the Jondhi caste panchayat was severely undermined and its decision was neither considered fair nor accepted by the Dagars nor, reportedly, by some Gehlots who were friends of the Dagars. Consequently, a revision was very much on the cards. Again, since non-compliance with the decision of the panchayat also meant a failure of the panchayat to implement its own decision, this challenged the very legitimacy of the caste panchayat.

Criticism began to mount. The caste panchayat was said to have gone berserk. It was suggested that it was attempting 'unnatural' things, as one school teacher of Jondhi put it. What perhaps remained unvoiced was the status of the child. The scathing attack on the panchayat's decision made by Darshana in her interviews with the press,[25] implying that there

[23] Many ruralites, especially members of lower-caste groups, the educated and the politically oriented, challenge this view of the *panch*es. They believe them to be biased in favour of individuals, factions and even political parties.

[24] Judgement in a panchayat is not reached unless there is unanimity or near unanimity among the presiding leaders. There is little point in a decision unless it can be enforced. F.G. Bailey has pointed out that councils in any society whose members have to implement their own decisions are impelled to search for such consensus. See Bailey (1965).

[25] *Dainik Jagran*, 22 August 2000, pp. 1, 13; 23 August 2000, pp. 1, 5; 24 August 2000, p. 13; 26 August 2000, pp. 1, 9.

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was greater authority in the law of the land, was devastating to the panchayat (as one member pointed out on condition of anonymity). The media, in reporting the case, had initially appeared awe-struck by the panchayat's might and its undisputed authority to dictate to its people, but changed its tenor in two of its later editorials, pointing out the illegality of the extra-judicial authority exercised by the panchayat.[26] For instance, *Dainik Jagran*, one of the most widely-read papers in the whole of northern India, criticised the panchayat's decision, declaring it contrary to the law of the land and against human and moral rights. Assuming highly censorious tones, the two editorials condemned it as '*kabilon ka kanoon*' (literally, 'tribal law', but more appropriately 'barbaric law'). There was, however, no questioning of the values involved. I was informed that the local correspondent of *Dainik Jagran* stationed in Jhajjar, who was responsible for filing reports on village Jondhi, was *gheraoed* by some of the caste panchayat members who complained of his adverse reports. This pressure resulted in his being shifted from Jhajjar, putting an abrupt end to the so-called adverse reporting. By then other social institutions like the Meham *chaubisi*, a *sarv-khap* panchayat (all-clan council) of twenty-four villages, also moved in on this matter. They were also highly critical of the extreme pronouncement of the Jondhi caste panchayat. The panchayat's move to uphold the honour of the village and prestige of the community had obviously backfired.

The public, which had hitherto presented a unanimous face, soon split, cutting across class, caste, gender and age divides. A section of villagers refused to recognise the extreme verdict as an 'honourable' settlement flowing from the decision of a 'just and fair' panchayat. The summoning of a *khap* panchayat was on the cards. In this connection, the Gehlots allege that the Dagars requisitioned the *khap* panchayat. This was contested by Ashish and others, who insisted that the *khap* panchayat was called by the Gehlots (who felt that the caste panchayat of Jondhi had gone too far), and not by the Dagars. Whatever the truth, many of the Gehlots were as involved in the revision of the verdict as were the Dagars. The reported initial reluctance of some of the Gehlots of Jondhi village to participate in the *khap* panchayat was soon overcome. In this, Gehlots from other villages played no small a part. Significantly, the verdict of the *khap* panchayat, leading as noted to a partial reversal and a partial reiteration of the earlier verdict, nipped in the bud the dissent that was

[26] *Dainik Jagran*, 19 August 2000, p. 6; 24 August 2000, pp. 1, 8; 26 August 2000, pp. 1, 9.

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unmistakably emerging and threatening to take wider social dimensions. It also restored, though belatedly, the prestige and honour of the caste panchayat. Paying heed to the internal critique which had emerged restored the panchayat's image of impartiality and balance as the upholder of traditional moral values and culture. The media applauded the *samjhadari* (wisdom) of the *panch* and congratulated them for revising their earlier decision.

Yet all the criticism did not lead to the rehabilitation of the couple in the village. Darshana and Ashish's request to be allowed to come back to the village was a cultural claim in that they were challenging the splitting of their family. The caste panchayat was dictatorially threatening the existence of a family by severing family bonds and compelling them to live apart. It is a well-known fact that, in Haryana, many of the educated or those who work in service occupations or in the army prefer to settle in their respective villages and pursue parental occupations after retirement. The attachment of the landowning caste groups to land cannot be underestimated, so the upholding of certain cultural norms (of kinship and territorial exogamy) by the panchayat was at the expense of other cultural norms (family unity).

Within a year of this decision, Ashish's father passed away, making this separation permanent. Ashish visited his village with police escort. The cremation was boycotted by most of the villagers on the grounds that '*hamen koi matlab na sai*' (it does not concern us). The caste panchayat members maintained: 'It is the administration which has allowed Ashish. His coming here is against the wishes of the village.' The gram panchayat sarpanch refused to attend the ceremony saying that they could not go against the wishes of the village. Abstaining from the cremation ceremony of a caste member being held in the village is unprecedented in rural north India, and a breach of this time-honoured cultural practice indicates the extent of prejudice against such marriages. The fear of penalisation decreed by the caste panchayat may certainly have acted as a deterrent, and photographs were taken as evidence of attendance in case the panchayat wished to take stern action against them in the future.

The Dagar community, despite offering initial support to Ashish, backed out after their own position in the village became secure. Had Ashish's family been economically sounder and socially more prestigious, his case probably would not have gone unrecognised and unsupported by the otherwise powerful Dagar community, for there are instances where socially and economically influential families have breached the *got* restrictions successfully. The case of Jagmati Sangwan and Inderjeet

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Ahlawat whose marriage (1982) was opposed on the grounds of breaching the *bhaichara* norm of the village was a case in point. A few families of Sangwan *got* lived in the otherwise Ahlawat-dominated village of Bhembheda, district Jhajjar, who objected to this marriage. Inderjeet's family was able to ignore them because of the economic strength and the social standing and influence it commanded in their own *got* and the village. The two *got*s, Ahlawat and Sangwan, are dominant and powerful *got*s in different regions of Haryana. In Bhembheda, however, the Sangwan households are fewer and wield far less influence. The marriage reiterated the status hierarchy existing in the village and upset the concept of equality of the village *bhaichara*. Yet, the charge of 'incest' raised in the case of Jondhi was not raised in this village. The Sangwans' attempts to call the caste panchayat were not successful. Inderjeet's father openly challenged the move. Consequently, no move could be initiated against this breach. According to Jagmati, if the social and economic status of the family is not sound, then the caste panchayat succeeds in its dictates. Influential families get away with breaking the 'traditionally sanctioned norms' which they uphold for others, or appropriate different norms, as it suits them.

To return to Ashish's case, I was told that, excepting his grandfather, Ashish's family was held in contempt due to his father's alcoholism and his gross misbehaviour after his drinking bouts. It was hinted to Ashish by his *biradari-wala*s that, if he so liked, he could sell off his house and property to the other Dagars. Ashish chose to ignore these hints. Since then he has taken up a private job as a driver in Mahendergarh, while his wife and child are staying with his relatives in a different village. Until now (2000) the caste panchayat has not changed its decision, maintaining that the gravity of the charge would not allow them to make any concession. The social boycott of Ashish's family also remains in force for a period of two years.

V

Selective application: **Bhaichara** *and the category of incest*

In arriving at its decision, the caste panchayat of village Jondhi had treated the concept of *bhaichara* and the breach of the incest taboo by the couple as the central issue. As noted above, incest in rural areas is a very wide category which embraces all inhabitants of a village, all *got* represented in the village who may be located anywhere, as well as the inhabitants of

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those villages which share a boundary with it, by creating fictive brother–sister relationships between them. Any breach in this is considered a serious transgression and dealt with summarily. Yet experience shows that the charge of incest is not applied uniformly to all caste groups in the village. In case one of the parties is of a different caste, the issue is altogether different. It becomes a caste issue and not one of incest.[27] Moreover, it is a well-known fact that most love affairs are within the village itself, clearly indicating that fictive relationships are not really accepted. Most of such alliances result in elopements. However, it is also true that, although highly idealised, cross-caste ties in a village expressed through fictive kinship are valued by both men and women, but they become operative only after the marriage of a girl and especially in her conjugal home. The fictive bond establishes for both of them the desired support structure and solidarity, cutting across caste, class and status ties.[28] Inside the village, with its emphasis upon segregation of the sexes, communication between fictive brothers and sisters hardly exists. It is frowned upon and looked at with suspicion—underlining the imposed and artificial nature of this relationship, which all concerned recognise. Yet as an ideal it works and is upheld by all caste groups as the 'village norm' which must not be broken. Consequently, transgression of this norm is considered incest.

On the other hand, incest *within* the family is generally buried under the carpet. The concept of incest is not extended to family relationships involving unequal power relations between senior males and junior females or any other prohibited category of people. This counterposes fictitious incest *versus* real incest. Activists involved in the women's movement in Rohtak, based upon their experiences in the villages of Haryana, informed me that incest has assumed truly frightening proportions. The daughters and sisters are, however, afraid to voice it as it would reflect on the 'honour' of their families, for which they feel responsible. Police officers similarly testify to widespread incest in families.

[27] This understanding is based upon my wider study dealing with inter-caste marriages in Haryana, currently under preparation.

[28] Helen Lambert (1996) in her study of Rajasthan argues that the fictional relationships established by women with persons from their natal village offer them a support structure in their conjugal home. These cross-caste ties are of strategic political and economic importance even for men when visiting other villages where their married sisters reside. Other men establish fictional kinship ties of solidarity stretching across caste, class and status through their women. For a similar reading, see Minturn (1993: 59–63).

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According to them these cases come to light only when they result in suicides or murders.[29] Some of these cases involve either the *dewar* (younger brother-in-law) or the *jeth* (elder brother-in-law), and may not strictly fall in the category of 'incest', because the prevalent practice of levirate accepts them as sexual partners of a woman.[30] In other instances, the woman may approach the caste panchayat. The few cases that are brought to the notice of the panchayat, however, are not dealt with in any satisfactory manner.

A recent example from village Hathanganna in Gurgaon district is a case in point. The caste panchayat, summoned twice in a case where a woman accused her father-in-law of attempting rape, did precious little. On the first occasion the panchayat summoned the father-in-law, gave him a strict warning and advised the couple to ignore the instance and settle it among themselves. The second time, when the father-in-law repeated his offence, the panchayat expressed its inability to do anything and advised the woman to take recourse to the law, but when the woman tried to register an FIR at the police station, the police refused to do so. In matters such as these, the bonds of community or ideology shared by the police and the traditional panchayat, and not the law of the land, determine the action or inaction of the law-enforcing agencies. The woman then moved the court at Firozpur Jhirka. It was here that the judge instructed that a criminal case be instituted against the father-in-law.

The caste panchayats are clearly uncomfortable and unwilling to deal with the question of incest within the family, especially when it concerns their own caste members. This may not necessarily be the case while dealing with other caste groups, especially the lower castes. When it comes to other so-called inferior caste members, the upper-caste members take a high moral stand and impose very stringent sanctions.[31]

[29] In January 1998, for example, in village Ichhapuri, district Gurgaon, a woman killed her *jeth* for his incestuous designs on her. *Dainik Jagran*, 7 January 1998, p. 4.

[30] In some instances, even the father-in-law was known to have taken his widowed daughter-in-law as his wife in the colonial period. For details, see Chowdhry (1995).

[31] In a 1994 case from village Bhiwadi, the all-caste panchayat, dominated by the dominant Ahirs of the village, blackened the faces of a woman and her father-in-law and paraded them naked in the village for allegedly indulging in incest. Reportedly, the lower-caste members of the victims' community sided with the Ahirs in inflicting this punishment. A few villagers who protested were hounded out. The police did not even turn up. The matter was later hushed up under directions from politicians. Case reported in *Dainik Jagran*, 19 April 1994, pp. 1, 11.

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The iron fist shown in the Jondhi case is totally missing in certain cases and not in others, as cited above. What is it that creates different categories of incest? Why is it that the concept of honour is said to have been abused in one case but not in the other? The analysis suggests that caste, class and status considerations articulate with patriarchal concerns to determine the action or inaction of the caste panchayat and other community members. Also involved is the concept of honour in its dual capacity—private and public. Questions of public honour can be embraced and turned into a *cause célèbre* by the village, but not issues of private honour. The latter are best tackled privately and under cover, even though they fall squarely in the category of incest as generally recognised.

The use of incest by the caste panchayat, in its wider meaning, was challenged by Ashish. Talking about it to the correspondent of *Dainik Jagran,* Ashish reportedly suggested a *quid pro quo* situation in which a Gehlot man could marry a Dagar girl and call it quits.[32] Ashish also pointed out that there were twelve Jat *got* in Jondhi and if all of them were excluded for marriage purposes, it would be extremely difficult and cumbersome to select mates. This, incidentally, is an oft-cited, though off-the-record and confidential opinion on the prevalent norm of *got* exogamy, at least among some of the male youngsters of Haryana. Ashish's marriage, notwithstanding his *got* status in relation to Darshana, and his proposal of a *quid pro quo*, suggest that not only are the set social hierarchies being challenged, but new identities related to a man's work and occupation, and importantly his status outside the village, are being asserted.

Significantly, Ashish's proposal indicates that he did not consider the marriage as incestuous transgression and, therefore, immoral, but a matter of status between wife-givers and wife-takers. In other words, the status reversal brought by his marriage could be set right by a Gehlot marrying a Dagar girl. Paradoxically, in suggesting this, although he was not claiming a higher status for the Gehlots, he was certainly claiming one in which the bride's and groom's families are of equal status. Such a status was firmly denied to the Dagars by the Gehlots. Although Ashish was to deny having ever made such a proposal, the proposal itself had validity, both theoretically and ideally. Indeed, in Haryana a Jat may marry his daughter into the same clan from which he has received a

[32] Ashish denied this when I asked him about his reported statement in the newspaper. The reporting correspondent, however, stands by it!

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bride for his son (Sharma 1973: 81–103). Although this does not disprove clan hypergamy *per se*, it certainly shows a disregard for the immediate hierarchy of wife-givers/takers.[33] Evidence suggests that local patterns of clan hypergamy do not necessarily exist at the regional level. In village Jondhi such an exchange would have been contrary to the traditionally perceived dominant and subordinate positions occupied by the two *got*s of Jats, the Gehlots and the Dagars.

The Jondhi case offers a somewhat complex reading. The opposition to the marriage emanated from the concept of village exogamy, the operation of incest taboos, and the principle of hypergamy, by which a girl of a lower clan can marry a man of a higher clan, but not the other way round. While theoretically all Jat clans or *got*s are considered to be equal, in reality several factors intervene to determine their social ranking in particular areas, especially in view of the changed socio-economic and political position of different *got* groups.[34] The above cited cases also show the status of different clans to be in flux, with different groups either claiming a higher or equal status or attempting to maintain their status against challenges and erosions effected by other clan groups within the caste fold. As marriage alliances are a significant means to establish one's status in society they assume great importance and demand sharper vigilance. The contradictory reactions of certain groups to the demands of caste status reveal the contemporary multi-directional pulls within a caste which account for confrontation and violence in relation to contested marriage alliances.

VI
Custom versus *law: Limited application*

Although the collective decision taken by the caste panchayat is presented as a united and unanimous voice, there is dissent and challenge on this front. This may not arise or be allowed to arise immediately, but may force the panchayat's collective decision to be reviewed or revised, for the united voice and front of the panchayat cannot be allowed to crumble. Besides, there is always the potential danger that dissenters may move the court. Indeed, courts are being increasingly used to settle questions

[33] See for instance the system of reciprocal marriage or exchange marriage adopted by the rural Kashmiri Pandits, as noted by Madan (1989: 101–2).

[34] The notion of 'Rajputisation' may be useful for understanding such status claims of upwardly-mobile groups within a caste. See Parry (1979: 195–231).

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of material interests but internal disputes, especially such as these, continue to be handled by caste-men, and are thus effectively delinked from the state and its law and order apparatus. Recourse to the court over 'personal' issues internal to the caste is not generally approved (Chowdhry 2004: 55–84), and remains a last resort. For ruralites, the financially draining courts, based upon different principles, are hardly equipped to resolve or bring about a compromise to the 'status claims' which are intrinsic to the confrontations and disputes occurring within the same caste group on questions of marriage.[35] In case recourse to law is taken, it is done only under grave social pressure and incurs a great deal of community displeasure. Moreover, in cases regarding contentious marriages, the state agencies like the police and the local administration, as noted above, are well known to throw in their lot on the side of traditional authority. The court, on the other hand, can be moved only after the community has taken an unconstitutional or illegal decision or step. Not many people exercise the option of going to court, but some do.

One such case occurred in mid-2000 in village Daddhi Banna of district Bhiwani. It concerned the alleged breach of a marriage prohibition relating to an extended principle of territorial exogamy. In 1999 Satbir, of the Pilania *got*, had his two sons Sanjiv and Rajkumar married into a Sangwan *got* family of village Kubja Nagar. Village Daddhi Banna falls in the *chalisia* (a circle of forty villages) of the Sangwans, which means that all these villages follow the tradition and customs of the dominant *got* of Sangwans, even though the latter are not represented in this village. Daddhi Banna is dominated by the Pilania and Bajado *got* members. Yet, traditionally all the Jat *got*s in this circle of villages are committed to observing ties of *bhaichara* with the Sangwans. This made the marriages incestuous. A Sangwan *got*-panchayat declared the marriages invalid and socially boycotted all the Pilania *got* families of village Daddhi Banna. This was later revised and only Satbir's family was expelled from the village. Satbir moved the court. The court gave a stay order to the effect that he could not be expelled from the village. Yet the *got*-panchayat's diktat regarding Satbir's social boycott persisted and was observed in the village. The panchayat had also imposed a fine of Rs 100 in the first instance on anyone disobeying their order. Anyone defying the order a second time was to be socially boycotted. These penalties continued despite the court intervention.

[35] For the villagers' perspective on legal pluralities, see Com (1990: 575–631).

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In an earlier case of 1998, Surinder of village Dhatta, a Jaglan by *got*, had his daughter engaged to a Jat boy of Saharan *got* in village Khaded. The Jaglans of his village raised objections to this alliance by pointing out that there were a few families of Jaglan *got* in village Khaded and traditionally this *got* could not be entertained for marriage. A *got*-panchayat of the Jaglans instructed him to terminate this engagement, failing which they ordered a social boycott of his family. Surinder moved the court and amidst tight police security had his daughter married off. When interviewed, Surinder accused his fellow Jaglans of being envious of him. He declared himself a 'victim' of factionalism within his *got*. He also pointed out that several Jaglan girls, including his niece, had already been married in village Khaded and no one had raised any objection. His action reportedly earned him great ill will and the villagers showed this in their behaviour towards him. He and his family remain socially ostracised.

Both the cases show the aggrieved party taking recourse to the law in order to challenge the panchayat's decision. In the case of village Dhatta, the marriage did take place with police intervention. It was the same in village Daddhi Banna, where legal protection overruled the panchayat's orders to evict Satbir's family. But in neither case could the court intervene to set aside the social boycott of the families. This is a reality that is well known to the ruralites. Ashish of village Jondhi, for example, when advised to take recourse to the law to prevent his expulsion from the village, had very firmly declined to take such a step, asking how long the law could protect him against the 'joint might' of the village. How many times, he asked, could he take the help of the police to visit his own village when the caste panchayat of the village had decreed to the contrary?

Taking recourse to the law is no solution in cases such as these. Also, any attempt to reverse the panchayat's decision may well lead to permanent antagonism, revenge and violent retribution.[36] I was told of a case in which the lawyer of the man who sought to challenge the caste panchayat's decision was severely beaten up. This was apparently to issue a warning to all lawyers who may venture to help people take recourse to the law against the panchayat's verdict. Nonetheless, it may be noted that the villagers utilise indigenous and official law, the panchayat and the court, in accordance with their own calculations of propriety and advantage.

[36] In this connection see an interesting case of 1927 analysed by Saurabh Dube (1996: 423–44).

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On the one hand, an approach to the court of law or its enforcing agency, the police, as an alternative structure for conflict resolution, certainly leads to a dramatic loss of the caste panchayat's prestige as well as its delegitimation. It is a public demonstration of the refusal to obey its dictates. On the other hand, going to court means a further transgression of the norms of community, compounding the earlier transgression. It is construed as an even greater challenge to the panchayat's decision, leading to a further hardening of its posture. The traditional leadership considers the judiciary, run by people who have no knowledge of rural culture and customary practices, to be working against the caste and community's norms. Anyone taking recourse to it is similarly condemned and stereotyped as 'westernised', 'urbanised' and 'modernised', and out of touch with rural realities. The state and its laws are blamed for all marriages that go against traditional norms and customary practices.[37] However, even while eroding the moral authority of the caste panchayat, the legal authority itself stands undermined insofar as the state agencies confirm and validate the actions of this collective body.

The one question which still needs to be answered is: why are the parents of young girls and boys breaching what are claimed to be the village and caste traditions? First, one should be clear that such breaches are not new; they have taken place even in the past. The post-colonial political economy suggests an increase, but it is difficult to confirm this with any degree of accuracy or certainty. The general impression at the local level also suggests an increase. In this connection it is worth remembering that all the cases cited above are not so-called 'love matches', which may raise the ire of the caste and communities. These are *arranged* matches, brought about by the respective individual and extended families and attended by members of their community. It is because of this factor that the individuals concerned as well as their immediate and extended families come under grave pressure from the panchayat.

The answer to this phenomenon of breaches lies in understanding Haryanavi society. Customary regulations governing marriages have had the effect of creating a very tight market for prospective brides and grooms. With the increase in population, the prohibited categories of

[37] This includes not only the Hindu Marriage Act, 1955, but also the Hindu Succession Act, 1956, which for the first time enabled the daughter, sister, widow and mother to inherit land with full proprietary rights to its disposal. Widely condemned in Haryana as *kala kanoon* (black acts), the urban makers of these Acts were accused of not understanding rural problems.

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matches have tended to increase. For example, inter-village and regional migrations have resulted in a severe drop in the number of very small villages and a corresponding increase in that of large and very large villages.[38] This has had the effect of multiplying the number of *got*s represented in different villages. An extension of the principle of village exogamy means that all the *got* represented in a village cannot be entertained for marriage. This leaves the marriage market much restricted. The extension of the concept of *bhaichara* also means that all the neighbouring villages have to be similarly excluded.

The growing popular sentiment against *got* prohibitions can be evidenced in the readers' letters to the regional newspapers. For example, one of the letters pointed out the difficulties faced by the inhabitants of village Dhannana of district Bhiwani.[39] This village, he maintained, was surrounded by several villages like Badesara, Seesar, Talu, Mandanna, Jatai, Mitathal, Ghuskani, Pur, Siwada and Munddaal. All these lie in and around 3–6 km distance and some are indeed derived from the other. All these have to be excluded by the inhabitants of village Dhannana for purposes of marriage. Opinion is divided, though those who support the tradition are noticeably in the majority.

Wide-scale prohibitions traditionally imposed on marriages are greatly compounded in a social situation characterised by multiple problems—the extremely unfavourable sex-ratio, the presence of a large number of unmarried men, and the dowry economy of Haryana. All these are interconnected. The widespread foeticide practised in this region in combination with suspected female infanticide through neglect and other causes[40] has led to an adverse ratio of only 865 females to 1,000 males in 1991.[41] In a situation where status hypergamous marriages are the norm, there is a surplus of brides at the top but a pronounced deficit at the bottom. Consequently, unemployed lower-class males find it difficult to get married, causing a great deal of anxiety. This situation is compounded by the very large number of unemployed men in Haryana. The unemployment figures have more than doubled in less than twenty years from

[38] For details of changes in Haryana village size and its population, see Government of Haryana (2001: 48–49).

[39] *Dainik Tribune*, 3 September 2000, pp. 1, 9.

[40] For details see Chowdhry (1994: 14–15, 54–57, 238).

[41] In 1991, this ratio was the second lowest in the whole of India. It stood next to that of Arunachal Pradesh which had a ratio of 859 females to 1,000 males. Reportedly, this ratio has gone down even more in the subsequent ten years (Government of Haryana 2001: 74).

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359,255 in 1980–81 to 811,359 in the year 1999—a staggering rise of 125 per cent (Government of Haryana 2001: 530–31), whereas between 1981 and 1991 the population increase in Haryana was 27.40 per cent (ibid.: 40). In the marriage market, it is the employed and not the unemployed youth who is a 'suitable boy'. The limited number of 'suitable boys' means a competition to net them in marriage. This competition creates a surplus of girls in this stratum, feeding into the dowry economy. This market-like situation with a 'suitable boy' out for the highest bidder may well lead the families of both the girl and the boy to ignore the traditional *got* prohibitions imposed on marriages. At this juncture individual and family status concerns override the collective concerns of the community. Such concerns leave the unemployed to either settle for lesser matches or not get married at all. Although it is difficult to give figures of the overlap between the unmarried and unemployed status of males, in the opinion of ruralites there exists a very real connection. A substantial number of the unemployed are to be found among those who are unmarried. In the 1991 Census, 36.24 per cent of men in the category of 15–44 years of age (the so-called reproductive or marriageable age) are shown to be unmarried.[42] In districts like Rohtak, the percentage of unmarried males between the ages of 15–44 is as high as 44 per cent.[43]

Clearly, the marriage restrictions are extremely hard on both sides—for the boys as well as for the girls. The defiance of the *got* norms, both at the individual and the family levels, corroborates this. The attempt by the family members is to open out the marriage market. There is also evidence to suggest that some members of the older generation are apprised of this social situation. That is the reason why, from time to time, caste panchayats have initiated certain alleviating measures to correct the situation by relaxing the prohibitions on marriage between certain *got*s. For example, the Gulia and Kadyan *got*s were deemed to have originated from two brothers, and marriage relations between them were prohibited. This was relaxed even under British rule. Similarly, marriages between Kadyan and Jakhad *got*s were also prohibited, and it was only in 1946–47, that four *khap*s—Gulias, Kadyans, Sangwans and Jakhad—met and took an historic decision to allow marriage relations between them (the Kadyan and Jakhad *got*s).

[42] A total of 1,438,997 males in the age group of 15–44 years out of a population of 3,970,390 males are unmarried. See *Census of Haryana,* 1991, socio-cultural tables, series 8, prt. IV-A, Chandigarh, 1994, p. 22.

[43] In Rohtak, out of a total male population of 977,075 between the age group of 15–44, 547,922 were unmarried (Government of Haryana 2001: 22–23).

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More recently, in April 1995 at village Ismailpur, a *sarv-khap* panchayat of the Chhahal and Mor *got* declared that members of these two *got*s could intermarry. The occasion was provided by the contentious marriage of a Chhahal *got* girl of village Narad to a Mor *got* boy in village Ismailpur. The prohibition on intermarriage between these two *got*s had apparently been instituted so long back that no one even remembered its origin. A form of punishment imposed upon them is the common explanation of such prohibitions. However, what is clear is that the ban on marriages is considered not merely a breach of *bhaichara*, but also a 'punishment'. The conflation of punishment with *bhaichara* in popular perception is itself revealing.

In May 1995 such a prohibition was also lifted for the Mor and Singhmar *got*s, though marriages between them had been taking place. The decision of the *sarv-khap* panchayat was a ratification and formalisation of the already changing, and indeed changed, position. Such changes require the support of *got*s other than the ones directly involved. For example, in the historic *sarv*-panchayat of April and May 1995, *got*s present, other than Mor, Chhahal and Singhmar, were Goyat, Nain and Sheyokand. The wider the participation of persons of different *got* in the panchayat, the wider the acceptance of the changes affected in the traditional patterns of marriage relations.

VII
Panchayat's intervention: Success and challenge

Such emendations, however, are few and far between. By and large, the traditional panchayat asserts itself to the detriment of the 'erring' individuals and families. This intervention is also an assertion of the united power and domination of upper-caste, senior male members over younger men and women. It represents a direct attempt at retention of power by the caste leadership, which is fast being eroded and challenged by aspirants from different socio-economic strata as well as by the younger generation. In post-colonial India, the traditional power base stands considerably eroded with the introduction of different state structures such as the elected statutory panchayat (since 1950) and an election mechanism based upon equal citizenship and adult franchise. The statutory panchayat, which has become the focus of political life of the village, has thrown up new socially mixed groups, in many cases drawing substantial representation from the lower social strata. In the changing scenario, the traditional leadership of village bigwigs derived

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from the ranks of those born to power and prestige is being pushed to the margins of the power structure.[44]

This diminishing power is sought to be resurrected through the traditional panchayat which uses social problems, specially cases relating to questions of marriage, for legitimation of its authority. In this a large collection of people come together temporarily and rather promiscuously for a certain purpose. What follows is claimed to be an open, fair and democratic decision in respect to a specific problem facing the community. A close observation of the proceedings suggests the contrary. On many occasions, one of the concerned parties is not even present or is too thinly represented. Women are not even allowed to enter the panchayat premises although, more often than not, the decision involves them in an important way. The traditional norm regarding their attendance was certainly broken in the case of village Jondhi. This breach has meant that the applicability of this norm lies in the hands of the panchayat, who may or may not apply it, or may apply it selectively, if not whimsically. The leadership of such an assembly closely monitors the discussion. Dissent is either ignored, kept dormant, or not allowed to surface in any effective manner.

Youth, usually the affected party, are not allowed to voice their opinion, especially when any other older male member of the family is present. They are reprimanded, 'Why do you speak when your father/elders are present?' In rural north India, age and experience are still respected, though change, howsoever slow, now favours the youth. The decision of such a body, with the older generation monopolising and directing its course, is projected and implemented as a unanimous decision, democratically arrived at. It is claimed that '*sab ka mat yo hi sai*' (all have the same opinion), and dissenters, as pointed out, are dismissed as of 'no importance'.

For arriving at a decision, the traditional panchayat mobilises a large number of people on the basis of family, kin, *got*, caste, community and village, including persons from outside the local area. By bringing in a wider *biradari* from outside the village, links which make the panchayat look more powerful are activated. Issues such as the breaking of social taboos, customs, rituals and hierarchy are used as mobilising strategies. These highly emotive issues succeed in uniting people and closing ranks

[44] Many from this social group had indeed been elected to the newly-constituted official panchayats in the aftermath of independence. However, over the years they have had to make way; or as an ex-sarpanch of village Mitrao, district Gurgaon, insisted, they 'willingly made way for the younger generation of men.'

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and cleavages in rural society. In this regard, the concept of village honour, based upon idealised norms and village *aika*, produces a powerful plank.

Significantly, the utopian principle of village unity stands acknowledgedly fragmented in post-colonial India. The pressures exercised by the unprecedented expansion of participation through adult franchise, competitive elections and state intervention have sharpened caste and status cleavages on the one hand, and polarised villages into fluid cross-caste factions on the other. The politicisation of village India is a fact. Existing factionalism and litigation in the villages feed into unstable political conditions, fragmenting it even more. Growing conflict over caste, community and land has become an important aspect of rural politics in India. This fragmentation has meant that no particular group has been or can be in a position to speak for the whole village or for the entire membership of a particular caste community. Yet the intervention of the traditional panchayat in preserving certain values of village life—its culture, customary practices—has the effect of closing ranks, imposing a temporary *aika* through a fragile cohesiveness on what has been and continues to be a highly fragmented village life. The political labels are obliterated to impart a non-partisan apolitical look to the *panch*es.

In matters other than those related to village culture and tradition, the panchayat may or may not be effective, for example, in the frequent conflicts relating to land use or to other material resources. In such cases, the traditional panchayat's decisions are often challenged because there is a clear division or factionalism in the village. As the economic stakes are high, the aggrieved party, egged on by others, is quick to move the court. But in cases involving village honour, culture and tradition and its breach by individuals, a united front is maintained. All dissidence is quelled by the show of unity achieved by threatening the isolation of the dissident/s, or through the use of force, if necessary. The dominant caste groups, though severely divided into factions and interest groups, throw their might behind the traditional panchayat. In cases such as these, they cannot afford to split their own ranks or caste. A show of solidarity serves them in a two-fold way. It helps them to present a united caste-*biradari* front, despite political and party differences. Such a front comes in handy in demanding political and economic concessions from the state. Second, it helps them in establishing their might in the village against other caste groups, specially the lower castes, reaffirming the existing hierarchy and caste/community domination. In cases where violence is resorted to in order to implement the panchayat's decision, an even more effective weapon is placed in their hands. The desire to enforce their domination

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and prove their strength is an interest that is amply shared by other members of dominant caste groups.

Yet, despite the tradition of consensus, dissenting voices and challenges to collective decision-making do exist. These may not arise (or may not be allowed to rise) immediately, but may become a source of embarrassment, as in the case of village Jondhi. These may force the panchayat's collective decision to be revised and reviewed. Indeed, the cases cited above indicate that decisions may be reviewed, though with limited effect. Yet, the very existence of an alternative structure, power and authority has created uncertainties among traditional wielders of power. The aggrieved and penalised party can approach the court, whose decision stands over and above that of the panchayat. Although the law works on principles contrary to those of the traditional panchayat, it may have only limited success in a society based upon various hierarchies. Despite challenges, the traditional panchayat's activities may remain a successful intervention to maintain a status quo that the state has attempted to change, at least legally. In other words, the extra-judicial power and activity of the traditional panchayat have severe implications for the state: the state stands devalued, unable to protect its citizens or implement its own laws. Ironically, in cases such as these, the danger to Indian democracy stems from the grassroot level.

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